



THE CITY OF SAN DIEGO

City of San Diego  
Office of the City Clerk  
202 C Street  
Second Floor  
San Diego, CA 92101  
(619) 533-4000

**Recommendations**  
Community Planning Group/  
Staff's/Planning Commission

Project Manager **must** complete the following information for the Council docket:

CASE NUMBER: 123607

**Staff's:**

Please indicate the recommended action for each item (i.e. Resolution/Ordinance):

1. Council resolution that the Chabad Educational Campus is in substantial conformance with Conditional Use Permit No. 133-PC as amended; and 2. Council resolution approving the waiver from the provisions of the General Inclusionary Affordable Housing Requirements if the applicant's findings can be substantiated.

**Planning Commission:**

(List names of Commissioners voting yea or nay)

YEAS: Naslund, Golba, Schultz, and Otsuji

NAYS: \_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: Griswold, Ontai, and Smiley

Recommended Action: 1. Recommend the City Council find that the proposed Chabad Educational Campus is in substantial conformance with Conditional Use Permit No. 133-PC as amended; and to incorporate the 26 points from the private agreement between Chabad and Scripps Community Planning Group as part of the approved project documents; and prior to arriving at the City Council that the FBA fees be available both for the applicant and the community to assess whether they are in support or not. The motion made by Commissioner Naslund, second by Commissioner Golba, and passed by a vote of 4-0-3 with Commissioners Griswold, Ontai and Smiley not present. The Planning Commission's second motion is to recommend that the City Council deny the Waiver from the General Inclusionary Affordable Housing Requirements because the findings cannot be made. The motion made by Commissioner Golba, second by Commissioner Naslund, and passed by a vote of 4-0-3 with Commissioners Griswold, Ontai, and Smiley not present.

**LIST NAME OF GROUP:**

Community Planning Group has recommended approval of this project.

In favor: 10 With two conditions

Opposed: 3

By: Cherlyn Cac  
Project Manager

*This information is available in alternative formats for persons with disabilities.*

*To request this information in alternative format, call (619)446-5446 or (800)735-2929 (TDD)*

000335

**REQUEST FOR COUNCIL ACTION**  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE) 333  
01/27

TO: CITY ATTORNEY  
2. FROM (ORIGINATING DEPARTMENT): Development Services Department  
3. DATE: September 25, 2008

4. SUBJECT:  
Chabad Educational Campus Substantial Conformance Review, Project No. 123607

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)  
Cherlyn Cac, 446-5226, MS 501  
6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)  
Helene Deisher, 446-5223, MS 501  
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

**8. COMPLETE FOR ACCOUNTING PURPOSES**

FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	1317			No cost to the City. All costs are recovered through a deposit account funded by the applicant.
ORGANIZATION	1776			
OBJECT ACCOUNT	4022			
JOB ORDER				
C.I.P. NUMBER	N/A			
AMOUNT				

**10. ROUTING AND APPROVALS**

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	10/9/08	8	DEPUTY CHIEF	William Anderson	10/14/08
2	EAS	MARTHA BLAKE	10/10/08	9	COO		
3				10	CITY ATTORNEY	SHIRLEY EDWARDS	
4	CFD			11	ORIG. DEPT	MIKE WESTLAKE	10/16/08
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							

11. PREPARATION OF:  RESOLUTIONS     ORDINANCE(S)     AGREEMENT(S)     DEED(S)

- Council resolution that the Chabad Educational Campus is in substantial conformance with Conditional Use Permit No. 133-PC as amended; and
- Council resolution approving the waiver from the provisions of the General Inclusionary Affordable Housing Requirements.

11A. STAFF RECOMMENDATIONS:

- Recommend that the City Council determine whether the Chabad Educational Campus is or is not in substantial conformance with Conditional Use Permit Number 133-PC as amended; and
- Recommend that the City Council approve the waiver from the provisions of the General Inclusionary Affordable Housing Requirements if the applicant's findings can be substantiated.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 5

COMMUNITY AREA(S): Scripps Miramar Ranch

ENVIRONMENTAL IMPACT: This activity is statutorily exempt from CEQA pursuant to State CEQA Guidelines Section 15261(b).

**000336**  
HOUSING IMPACT: The proposed project includes on-campus housing, 280 dwelling units, for the sole use of full-time enrolled students, married students and faculty. The City's Inclusionary Housing Ordinance does not specifically exempt student housing; therefore, the applicant has requested a waiver from the Inclusionary Housing requirements pursuant to Municipal Code Section 142.1305.

CITY CLERK INSTRUCTIONS:

1. Public Noticing Required.
2. Return copies of each resolution to Cherlyn Cac, MS 501.
3. Council action requires a majority vote.

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: September 11, 2008      REPORT NO.: PC-08-076  
ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: Development Services Department  
SUBJECT: Chabad Educational Campus Substantial Conformance Review,  
Project No. 123607  
COUNCIL DISTRICT: 5  
STAFF CONTACT: Cherlyn Cac, (619) 446-5226, [ccac@san Diego.gov](mailto:ccac@san Diego.gov)

REQUESTED ACTION:

Determine if the proposed Chabad Educational Campus, located at 10785 Pomerado Road, is in substantial conformance with Conditional Use Permit Number 133-PC Amendment; and a waiver request from the General Inclusionary Affordable Housing Requirements.

STAFF RECOMMENDATION:

1. Recommend that the City Council determine whether the Chabad Educational Campus is or is not in substantial conformance with Conditional Use Permit Number 133-PC as amended; and
2. Recommend that the City Council approve the waiver from the provisions of the General Inclusionary Affordable Housing Requirements if the applicant's findings can be substantiated.

EXECUTIVE SUMMARY:

The Chabad Educational Campus proposes to expand their existing campus for a high school, college, and campus housing. The development would include two institutional use buildings, a two-story university building, a sports complex building, relocated sports field, tennis court, swimming pool/spa, and 280 housing units with below grade parking structures for students and faculty of Chabad. The project also requests a waiver from the Inclusionary Affordable Housing requirements pursuant to San Diego Municipal Code Section 142.1305.

The property is subject to Conditional Use Permit (CUP) Number 133-PC, as amended, granted to United States International University (USIU). The original CUP No. 133-PC was granted in 1967 and amended in 1972. Pursuant to the existing approved CUP, "Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit 'A', a plot plan for the entire phase shall be submitted to the Planning Commission for approval." This condition translates to a substantial conformance review process to be decided by Planning Commission. Pursuant to the San Diego Municipal Code §113.0102, "substantial conformance means that a revision to a development that was approved through a permit or tentative map complies with the objectives, standards, guidelines, and conditions for that permit or tentative map."

The applicant is also requesting a Waiver from the Inclusionary Affordable Housing Regulations. The Inclusionary Housing Ordinance allows applicants to request a Variance or Waiver from the affordable housing requirements. The Inclusionary Affordable Housing Regulations do not exempt on-campus student/faculty housing. A waiver would relieve the applicant of the requirement to provide affordable housing units

000338

and/or pay an In-Lieu Fee. The applicant has provided findings for the Waiver request (Attachment 3).

Because there is no on-campus housing Facilities Benefit Assessment (FBA) rate, the project will pay a discounted residential FBA rate (Attachment 4). The applicant has agreed to pay the FBA fees as a condition of approval. In addition, the City will record a deed restriction on the property restricting the use of the units for the sole use of full-time, enrolled students, married students and faculty of Chabad.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS COUNCIL ACTION:

On August 8, 1994, the City Council determined by Council Resolution Number R-284501 that Chabad's "proposed facilities, i.e., a kindergarten through twelfth grade private school plus 'Yeshiva' (rabbinical seminary) accommodating a maximum of 800 full time equivalent students ... is in fact substantively the same as the university use approved by the City [under USIU conditional use permit] and that therefore no new conditional use permit or amended conditional use permit will be required for such proposed development and use."

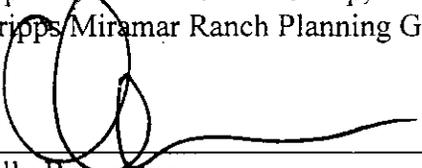
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

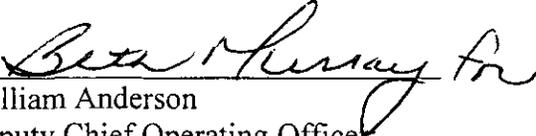
On September 18, 2008, the Planning Commission's first motion was to recommend that the City Council determine that the Chabad Educational Campus is in substantial conformance with Conditional Use Permit No. 133-PC as amended; and with the voluntary agreement from the applicant to incorporate the 26 points (Attachment 5) from the private agreement between Chabad and Scripps Community Planning Group as part the approved project documents; and prior to City Council, that the FBA fees be available both for the applicant and the community to assess whether they are in support or not. The motion made by Commissioner Naslund, second by Commissioner Golba, and passed by a vote of 4-0-3 with Commissioners Griswold, Ontai and Smiley not present. The Planning Commission's second motion was to recommend that the City Council deny the Waiver from the General Inclusionary Affordable Housing Requirements because the findings cannot be made. The motion made by Commissioner Golba, second by Commissioner Naslund, and passed by a vote of 4-0-3 with Commissioners Griswold, Ontai, and Smiley not present.

On June 5, 2008, the Scripps Ranch Planning Group voted 10-3-0 to approve the project with two conditions. Please refer to the Planning Commission Report.

KEY STAKEHOLDERS:

Owner: Friends of Chabad Lubavich San Diego  
Applicants: MW Steele Group, Inc. and Ron Buckley Consulting  
Scripps/Miramar Ranch Planning Group

  
\_\_\_\_\_  
Kelly Broughton  
Director, Development Services Department

  
\_\_\_\_\_  
William Anderson  
Deputy Chief Operating Officer.

000339

Executive Director of City Planning  
and Development

ATTACHMENTS:

1. Report to the Planning Commission, Report No. PC-08-076
2. Request for Waiver from the Inclusionary Affordable Housing Regulations, 27 pages
3. Waiver Resolution from the Requirements of the Inclusionary Housing Ordinance
4. Chabad Info Sheet on the Facilities Benefit Assessment (FBA)
5. Twenty-six points from the private agreement between Rabbi Fradkin and Scripps Community Planning Group



000341

THE CITY OF SAN DIEGO

333  
01/27

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** September 11, 2008 **REPORT NO. PC-08-076**

**ATTENTION:** Planning Commission, Agenda of September 18, 2008

**SUBJECT:** CHABAD EDUCATIONAL CAMPUS SUBSTANTIAL  
CONFORMANCE REVIEW - PROJECT NO. 123607  
PROCESS FIVE

**REFERENCE:** City Council Resolution Number R-284501, Adopted August 8, 1994  
(Attachment 10)

Manager's Report to Mayor and City Council, dated August 3, 1994,  
Report No. 94-225

Report to the Planning Commission, dated January 6, 1995,  
Report No. P-95-012 (Attachment 11)

**OWNER/  
APPLICANT:** Friends of Chabad Lubavich San Diego, Owner (Attachment 22)/  
MW Steele Group, Inc. and Ron Buckley Consulting, Applicants

### SUMMARY

- Issue(s):**
1. Should the Planning Commission recommend to City Council that the proposed Chabad Educational Campus is in substantial conformance with Conditional Use Permit (CUP) Number 133-PC Amendment?
  2. Should the Planning Commission recommend that the City Council approve a waiver from the General Inclusionary Affordable Housing Requirements for this project?

### Staff Recommendations:

1. Recommend that the City Council determine whether the Chabad Educational Campus is or is not in substantial conformance with Conditional Use Permit Number 133-PC as amended; and

2. Recommend that the City Council approve the waiver from the provisions of the General Inclusionary Affordable Housing Requirements if the applicant's findings can be substantiated.

**Community Planning Group Recommendation:** On June 5, 2008, the Scripps Ranch Planning Group voted 10-3-0 to approve the project with two conditions (Attachment 21).

**Environmental Review:** This project is exempt from the California Environmental Quality Act (CEQA) pursuant to statutory exemption Article 18, Section 15261(b), Ongoing Project.

**Fiscal Impact Statement:** None with this action.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** The proposed project includes on-campus housing (280 dwelling units) for the sole use of full-time enrolled students, married students and faculty. The City's Inclusionary Housing Ordinance does not specifically exempt student housing; therefore, the applicant has requested a waiver from the Inclusionary Housing requirements pursuant to Municipal Code Section 142.1305.

## **BACKGROUND**

The 26.98 acre site is located at 10785 Pomerado Road, south of Pomerado Road and west of Avenida Magnifica, in the Scripps Miramar Ranch Community (Attachments 1 & 3). The Scripps Miramar Ranch Community Plan designates this site for Open Space (Attachment 2). The property is zoned RS-1-8 (Single Family Residential). The Chabad Hebrew Academy is adjacent to Alliant International University to the west, single-family residential development to the east, Pomerado Road to the north, and Regents of the University of California property to the south (Attachment 1). The property is subject to Conditional Use Permit (CUP) Number 133-PC, as amended, granted to United States International University (USIU). The original CUP No. 133-PC was granted in 1967 (Attachment 7) and amended in 1972 (Attachment 8).

In 1972, Planning Commission reviewed and approved CUP No. 133-PC Amendment (Attachment 8) to shift the east and west campus boundary, expand the academic area, decrease the residence hall area, and Phase Plan approval for Phases 12, 13, 14, 15, and 18 as required by permit condition number three of the original CUP No. 133-PC.

In 1978, the Planning Commission reviewed and approved CUP No. 133-PC Amendment No. 2 to remove approximately 200 easterly acres from the USIU campus as depicted in Attachment 9, and is currently developed with low density single family homes.

On August 8, 1994, the City Council determined by Council Resolution Number R-284501 (Attachment 10) that Chabad's "proposed facilities, i.e., a kindergarten through twelfth grade private school plus 'Yeshiva' (rabbinical seminary) accommodating a maximum of 800 full time equivalent students ... is in fact substantively the same as the university use approved by the City

000343

[under USIU conditional use permit] and that therefore no new conditional use permit or amended conditional use permit will be required for such proposed development and use.”

In 1995, the Planning Commission determined Chabad’s submitted “plot plan” for an 800 student K-12 school development was in substantial conformance with the 1972 Planning Commission approved Phase Plan for USIU (Attachment 11). The Chabad property is located within Phases 14, 15 and 18 of the Planning Commission’s 1972 USIU Phase Plan approval (Attachment 8). Consistent with City Council’s determination that the Chabad property is vested and entitled to develop under the USIU Conditional Use Permit and with the Planning Commission’s plot plan approval in 1995, the Friends of Chabad Lubavich applied and obtained engineering and building permits from the City of San Diego to construct the educational campus of the Chabad Hebrew Academy of San Diego.

In 2003, the Hearing Officer approved a preschool/daycare facility with Conditional Use Permit No. 11245 (Attachment 12). Currently the Chabad Campus is developed with an administrative building; a cafeteria and multi-purpose building; athletic areas; preschool facility; surface parking and two classroom buildings (Attachment 5). The Chabad Hebrew Academy of San Diego is currently operating a preschool through eighth grade educational facility.

## DISCUSSION

### Project Description:

The Chabad Educational Campus proposes to expand their existing campus for a high school, college, and campus housing. The development would include two institutional use buildings, a two-story university building, a sports complex building, relocated sports field, tennis court, swimming pool/spa, and 280 housing units with below grade parking structures for students and faculty of Chabad. The project also requests a waiver and provides findings (Attachment 13) from the Inclusionary Affordable Housing requirements pursuant to San Diego Municipal Code Section 142.1305. The waiver from the Inclusionary Affordable Housing requirements is a process five, City Council decision.

Pursuant to the existing approved CUP, the issue before the Planning Commission is whether or not the proposed Chabad Educational Campus Exhibit “A” plot plan (Attachment 6) is in substantial conformance with CUP No. 133-PC Amendment as outlined in permit condition number four of the permit. Specifically, condition number four states that “Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit ‘A’, a plot plan for the entire phase shall be submitted to the Planning Commission for approval.” This condition translates to a substantial conformance review process. Pursuant to the San Diego Municipal Code §113.0102, “substantial conformance means that a revision to a development that was approved through a permit or tentative map complies with the objectives, standards, guidelines, and conditions for that permit or tentative map.”

**Substantial Conformance Review**

The proposed Chabad Educational Campus development is within the graded footprint and developable area boundaries of the approved 1972 Planning Commission approved Phase Plan for USIU (Attachment 8, 14, 15 & 16). The 1972 Phase Plan development had 4.02 acres of undisturbed land (Attachment 14) and the proposed Chabad Campus would have 9.98 acres of undisturbed land (Attachment 16).

The CUP No. 133-PC Amendment requires buildings to cover no more than 15 percent of the total area of the property. Chabad's total property area is 1,175,254 square feet (26.98 acres). The maximum 15 percent building coverage area of the property is 176,288 square feet (4.05 acres). The total proposed and existing building coverage of the Chabad Campus is 176,066 (4.04 acres) square feet (Attachment 17 & 18).

In accordance with the approved CUP, the Chabad expansion proposes no buildings within 50-foot of any property line. In addition, the project proposes no buildings or structures in the 100-foot setback adjacent to Pomerado Road. The project does not propose any parking area, playfield or other facility or structure within 20 feet of any property line, except for proposed retaining walls, an existing access road, existing utilities, and existing entrance gates to be relocated. The proposed retaining wall does not exceed six feet in height along or within 20 feet of any property line. There is only one existing access road, Chabad Center Drive, from Pomerado Road serving the property. The existing entrance gates are proposed to be relocated further south on the roadway beyond the campus housing buildings.

The parking required by CUP No. 133-PC Amendment for the proposed project is 671 parking spaces. The expansion project proposes below grade parking structures within the residential buildings and retains a majority of the existing surface parking. The proposed plans indicate 684 parking spaces to provide flexibility in the design, including bicycle and motorcycle spaces.

The project proposes a total of 280 residential units consisting of 185 units to accommodate 350 students, 75 units for married students with their families, and 20 faculty housing units to accommodate staff and their family. A combination of two, three and four-story on-campus housing buildings with below grade parking structures are proposed in the northern portion of the property.

The Fire Department requires a secondary fire access road for properties constructing 100 units or more to ensure public health and safety is provided. The project proposes, as shown on the fire site plan and sheet two of the preliminary grading plan, a secondary fire access road from Chabad Center Drive through the adjacent property to the west, the Alliant International University property, utilizing a planned road from the 1972 USIU Phase Plan approval. The City will not issue any construction permits for the proposed on-campus housing or new buildings until the fire access road is constructed and accepted.

The proposed landscaping plan will provide screening of the new buildings with trees and slope plantings along the perimeter of the project and as viewed from Pomerado Road. Brush Management Plans are also included to reduce fire hazards around structures by providing a fire

break between structures and contiguous areas of native or naturalized vegetation (Attachment 18).

The proposed project is located within the Airport Influence Area (AIA) for the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP). On October 4, 2007, a consistency determination was made by the San Diego County Regional Airport Authority (SDCRAA), who acts in capacity as the San Diego Land Use Commission (ALUC). The ALUC approved the project (Attachment 19).

The proposed project is located within the Federal Aviation Administration (FAA) Part 77 for MCAS Miramar and requires notification to the FAA for the proposed project. The FAA conducted an Obstruction Evaluation and Airport Airspace Analysis as required by Title 14 Code of Federal Regulations, Part 77. On August 16, 2007, the FAA issued "Determination of No Hazard to Air Navigation" letters (Attachment 20).

#### Community Planning Group Recommendation

On June 5, 2008 the Scripps Ranch Planning Group voted 10-3-0 to approve the project with the following two specific conditions (Attachment 21).

1. The applicant be required to pay the Multi-Family FBA fees as per the May 2007 email from City Facilities Finance Staff.

*Staff's response:* The project is subject to Development Impact Fees at the time of building permit issuance based on the number of units and use. A deed restriction that the on-campus housing shall only be available to and for the sole use of full-time, enrolled students, married students and faculty of Chabad is also required before the first housing building permit can be issued.

2(a). The SRPG send a member to the Planning Commission hearing, with authority to clarify SRPG's position.

2(b). To recommend an SRPG appeal process without requiring a special meeting should the approval not encompass item number one and/or spirit of the Rabbi's 27 bullet-point agreement.

*Staff's response:* See staff's response to item one above. The private agreement between Scripps Ranch Planning Group and Chabad is not required by CUP No. 133-PC Amendment or the Municipal Code. The City does not regulate and is not a party to this agreement. Furthermore, the City has no ability to enforce this private agreement.

#### CONCLUSION

The Chabad Educational Campus proposes a university building, two institutional use buildings, a sports complex building, various sport facilities, and 280 campus housing units with below grade parking structures for students and faculty of the Chabad Hebrew Academy of San Diego. The project proposal also includes a waiver from the Requirements of the Inclusionary Housing

000346

Ordinance. The Chabad Campus property is vested, entitled, and has developed under the United States International University Conditional Use Permit No. 133-PC Amendment as determined and approved by City Council Resolution No. R-284501, adopted August 8, 1994.

Respectfully submitted,

---

Mike Westlake  
Program Manager  
Development Services Department

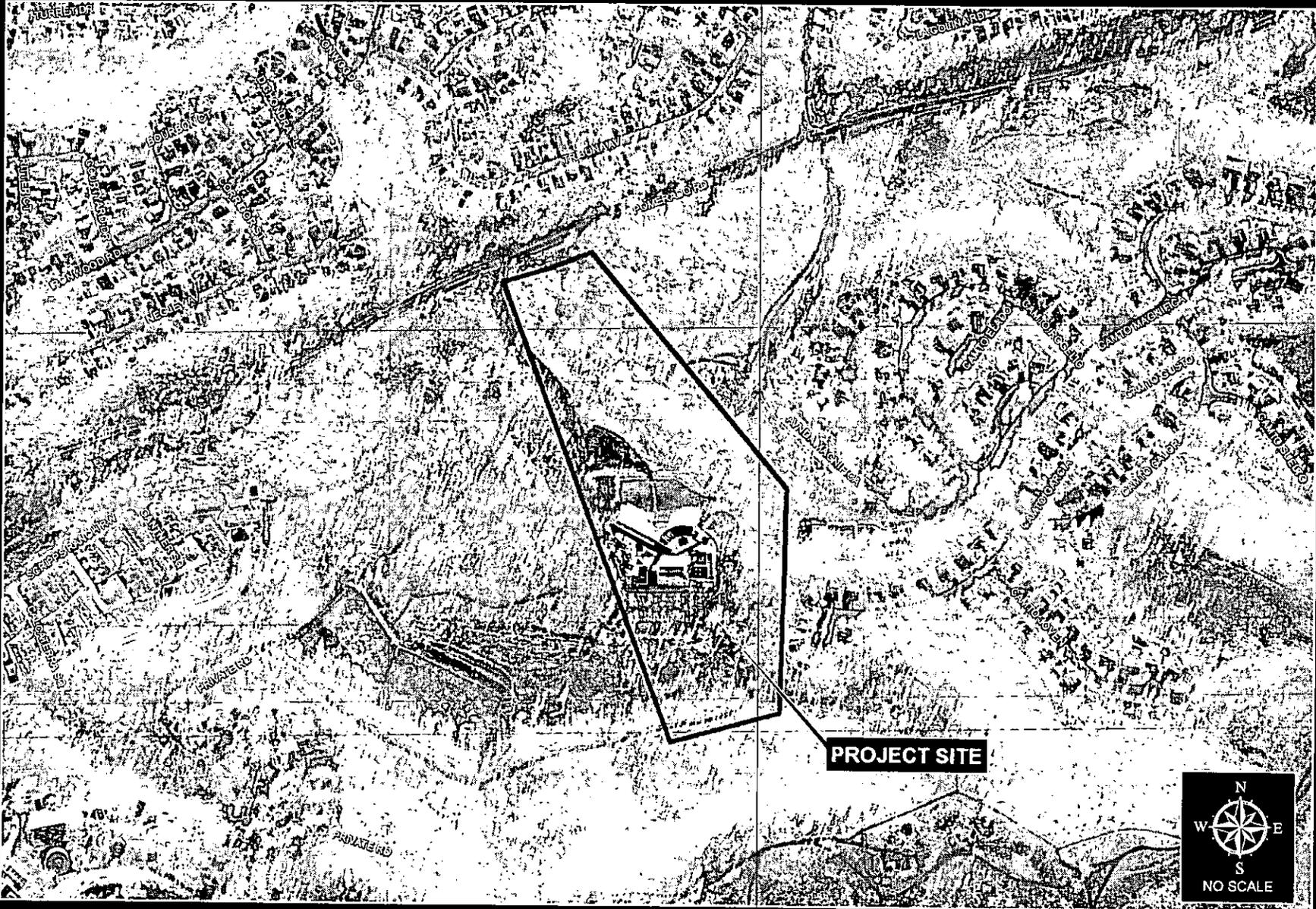
---

*Cherlyn Cac*  
Cherlyn Cac  
Project Manager  
Development Services Department

BROUGHTON/CC

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Chabad Hebrew Academy of San Diego Aerial Photograph
6. Chabad Educational Campus Exhibit "A" Site Plan (Sheet A1.00)
7. Conditional Use Permit Number 133-PC (1967)
8. Conditional Use Permit Number 133-PC Amendment (1972)
9. Conditional Use Permit Number 133-PC Amendment No. 2 (1978)
10. City Council Resolution Number R-284501, Adopted August 8, 1994
11. Report to Planning Commission, dated January 6, 1995
12. Conditional Use Permit No. 11245 for the Chabad Hebrew Academy  
Preschool/Daycare (2003)
13. Draft Waiver Resolution from the Requirements of the Inclusionary Housing Ordinance
14. Enlarged 1972 CUP 133-PC Amendment Approved Phase Plan development and  
undisturbed land of the Chabad property
15. Current developed and graded areas of the Chabad Property
16. 1972 CUP 133-PC Amendment undisturbed land overlay with proposed undisturbed land  
of the Chabad development
17. Chabad Building Coverage
18. Project Plans
19. Airport Land Use Commission Minutes of October 4, 2007
20. Federal Aviation Administration Letters
21. Community Planning Group Recommendation
22. Ownership Disclosure Statement
23. Project Chronology



PROJECT SITE



# Aerial Map - Chabad Educational Campus SCR

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

Located at 10785 Pomerado Road, Project No. 123607

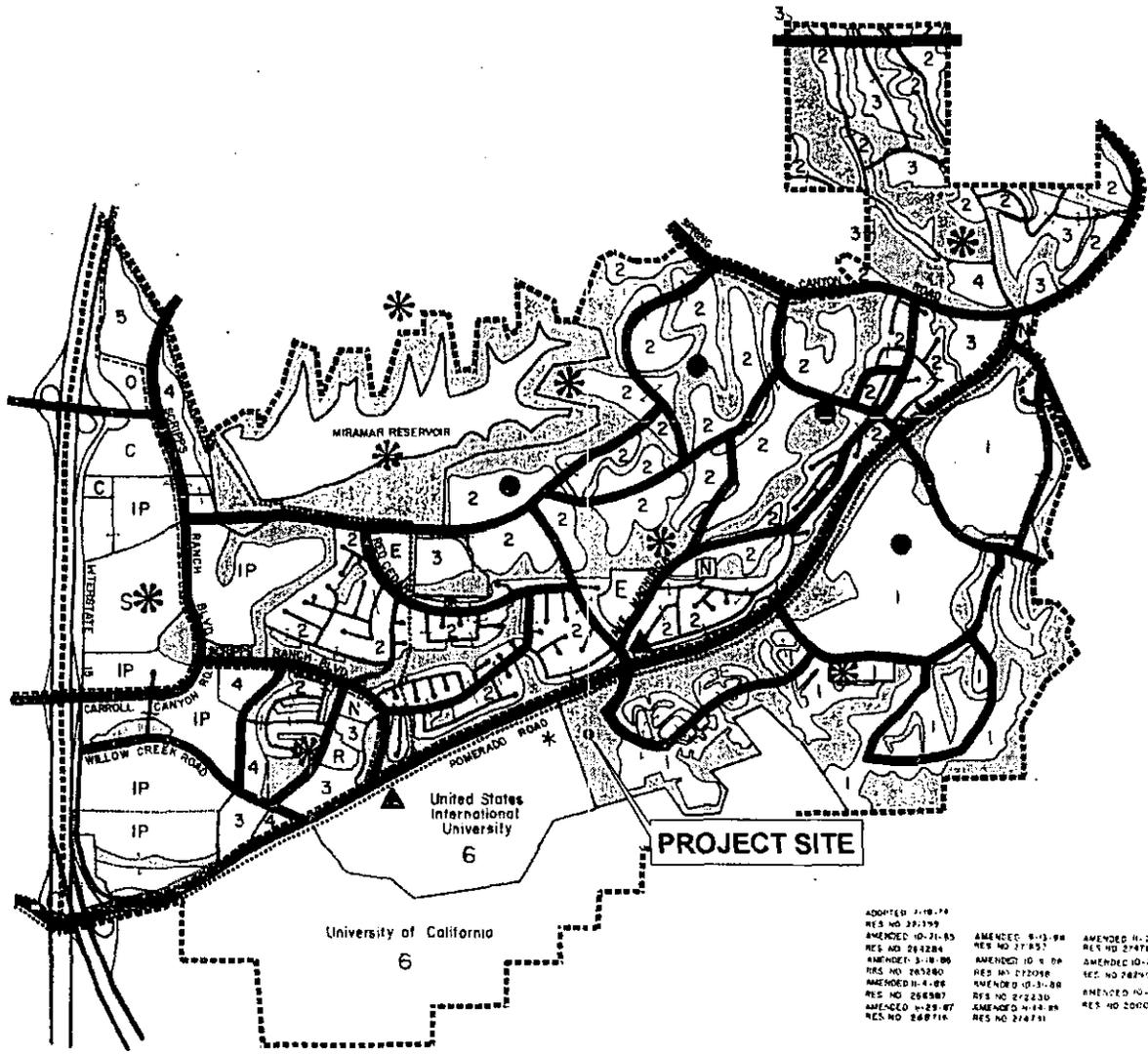
Map Date: 11/15/07 Project No: 123607 Date of Issue: 11/15/07



This map is a derivative work of the City of San Diego's Aerial GIS data. It is provided as a reference only and should not be used for legal purposes. The City of San Diego is not responsible for any errors or omissions in this map.

LEGEND

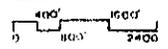
- Residential 0-3 DU/Net AC [1]
- Residential 3-5 DU/Net AC [2]
- Residential 5-10 DU/Net AC [3]
- Residential 10-15 DU/Net AC [4]
- Residential 15-29 DU/Net AC [5]
- Existing Commercial Recreation [R]
- Community Shopping [C]
- Neighborhood Shopping [N]
- Professional Offices [O]
- Industrial Park [IP]
- Park [\*]
- Tot Lot [●]
- Resource Based Park [●\*]
- Open Space [ ]
- Elementary School [E]
- Secondary School [S]
- University [6]
- Major Hiking trail [.....]
- Bikeway [-----]
- County Boundary [-----]
- Possible Fire Station Site [▲]



ADOPTED 7-18-79  
 RES NO 22159  
 AMENDED 10-21-85  
 RES NO 264284  
 AMENDED 3-18-86  
 RES NO 265280  
 AMENDED 11-4-88  
 RES NO 266587  
 AMENDED 11-25-87  
 RES NO 268716

AMENDED 8-13-98  
 RES NO 271937  
 AMENDED 10-8-00  
 RES NO 272008  
 AMENDED 10-31-00  
 RES NO 272230  
 AMENDED 11-14-00  
 RES NO 274751

AMENDED 6-21-84  
 RES NO 274780  
 AMENDED 10-26-91  
 RES NO 282701  
 AMENDED 10-17-93  
 RES NO 280000 AIC



Land Use Plan **19**  
 Scripps Miramar Ranch Community Plan **FIGURE**

**Community Plan Land Use Map - Chabad Educational Campus SCR**  
 Located at 10785 Pomerado Road, Project No. 123607

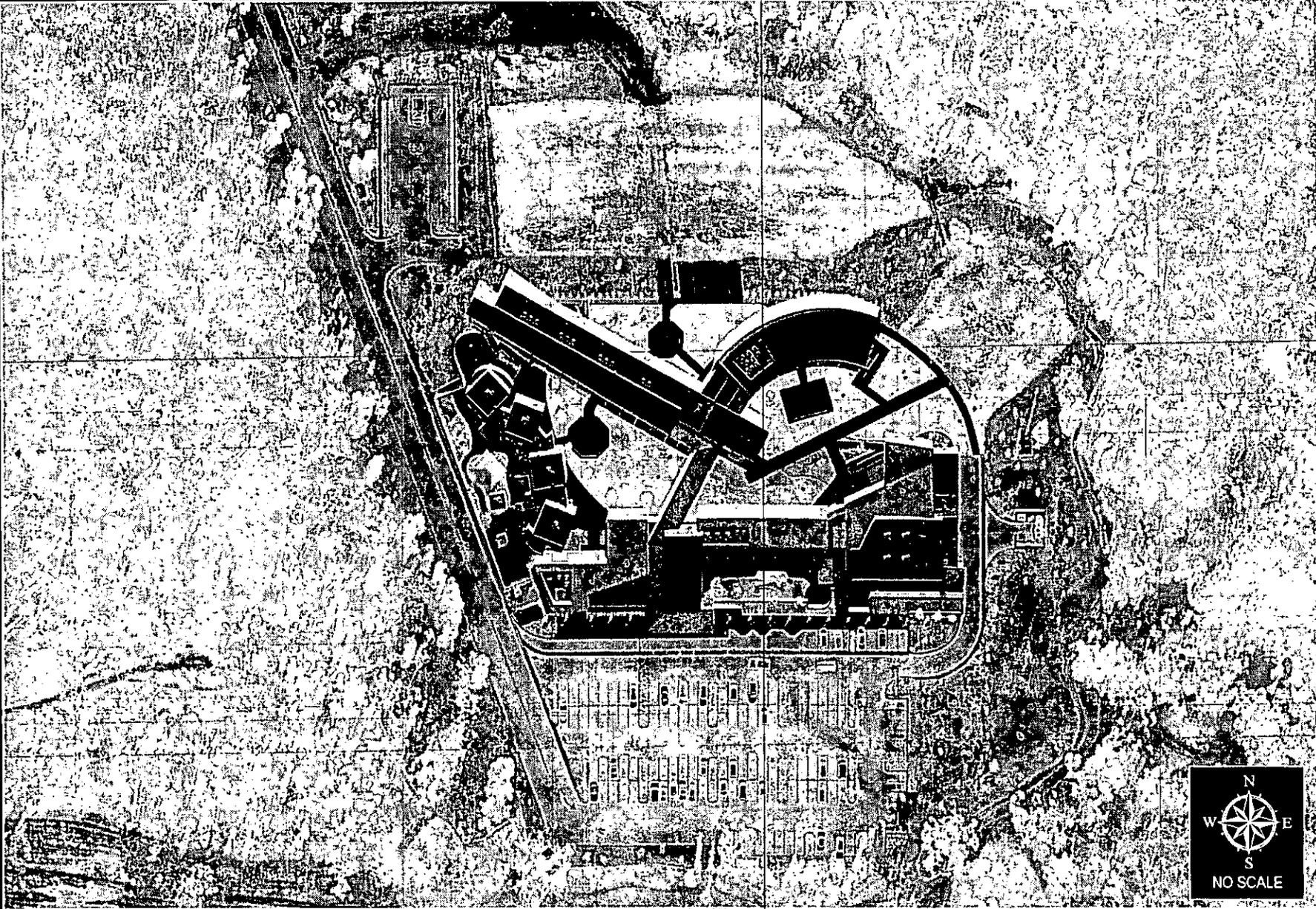


**000353 PROJECT DATA SHEET**  
**FOR CHABAD PROPERTY VESTED UNDER**  
**CUP 133-PC Amendment**

<b>PROJECT NAME:</b>	Project No. 123607 - Chabad Educational Campus SCR	
<b>PROJECT DESCRIPTION:</b>	Substantial conformance to CUP No. 133-PC Amendment for the Chabad Educational Campus expansion and Waiver from the General Inclusionary Affordable Housing Requirements	
<b>COMMUNITY PLAN AREA:</b>	Scripps Miramar Ranch Community Plan area	
<b>DISCRETIONARY ACTIONS:</b>	Determine if the proposed Chabad Educational Campus Exhibit "A" is in substantial conformance with CUP No. 133-PC Amendment as outlined in condition number four of the permit and requesting a Waiver from the General Inclusionary Affordable Housing Requirements	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Open Space	
<b><u>CUP 133-PC Amendment:</u></b>	<b><u>Proposed:</u></b>	
<b>STUDENT POPULATION:</b> 6,000	800 Students for Chabad property	
<b>BUILDING COVERAGE:</b> Maximum of 15% of total property area	15% max. coverage = 176,288 sq. ft. Proposed 176,066 sq. ft. = 14.98% coverage	
<b>SETBACKS:</b>		
50-Foot Setback from any Property Line: no buildings or structures	65-feet (existing preschool)	
100-Foot Setback from Pomerado Road: no buildings or structures	405-feet (proposed student/faculty housing)	
20-Foot Setback from any Property Line: no parking area, playfield or other facility or structure, except fences, access roads, drainage facilities, utilities, entrance gates & identification signs from property line	45-feet (existing parking area) 20-feet (proposed playfield)	
20-Foot Setback from any Property Line: No fence shall exceed 6-feet in height	Two 6-foot retaining walls within the 20-foot setback	

<p><b>ACCESS ROAD INTO PROPERTY:</b> Maximum 4 from Pomerado Road</p> <p><b>ENTRANCE GATES &amp; IDENTIFICATION SIGNS:</b> One each at each approved entrance to Pomerado Rd.</p> <p><b>PARKING:</b> 671 spaces required 4 spaces per 9 resident students (approx. 0.445 spaces per student) 1 space per non-resident student 1 space per faculty &amp; staff</p> <p><b>NOT A PART OF CUP-133</b></p> <p><b>FLOOR AREA RATIO:</b> None</p> <p><b>HEIGHT LIMIT:</b> None</p>	<p>One access road</p> <p>Existing One entrance gate to be relocated</p> <p>684 spaces proposed 350 resident students = 156 spaces</p> <p>450 non-resident students = 450 spaces 65 faculty &amp; staff = 65 spaces</p> <p>Project proposes 0.36 FAR (425,655 square feet) (0.45 FAR maximum in the RS-1-8)</p> <p>Proposed at up to approx. 70-feet (from existing grade), and up to approx. 50-feet (from finish grade) (35-feet in the RS-1-8 zone)</p>
---	--

<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Residential (3-5 du/ac); RS-1-14	Single Family Residential
<b>SOUTH:</b>	University – University of California; RS-1-8	Vacant land
<b>EAST:</b>	Residential (0-3 du/ac); RS-1-8	Single Family Residential/Private Recreation
<b>WEST:</b>	University - Alliant & Resource Based Park; RS-1-8	School
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On June 5, 2008, the Scripps Ranch Planning Group voted 10-3-0 to approve the project with two conditions.	



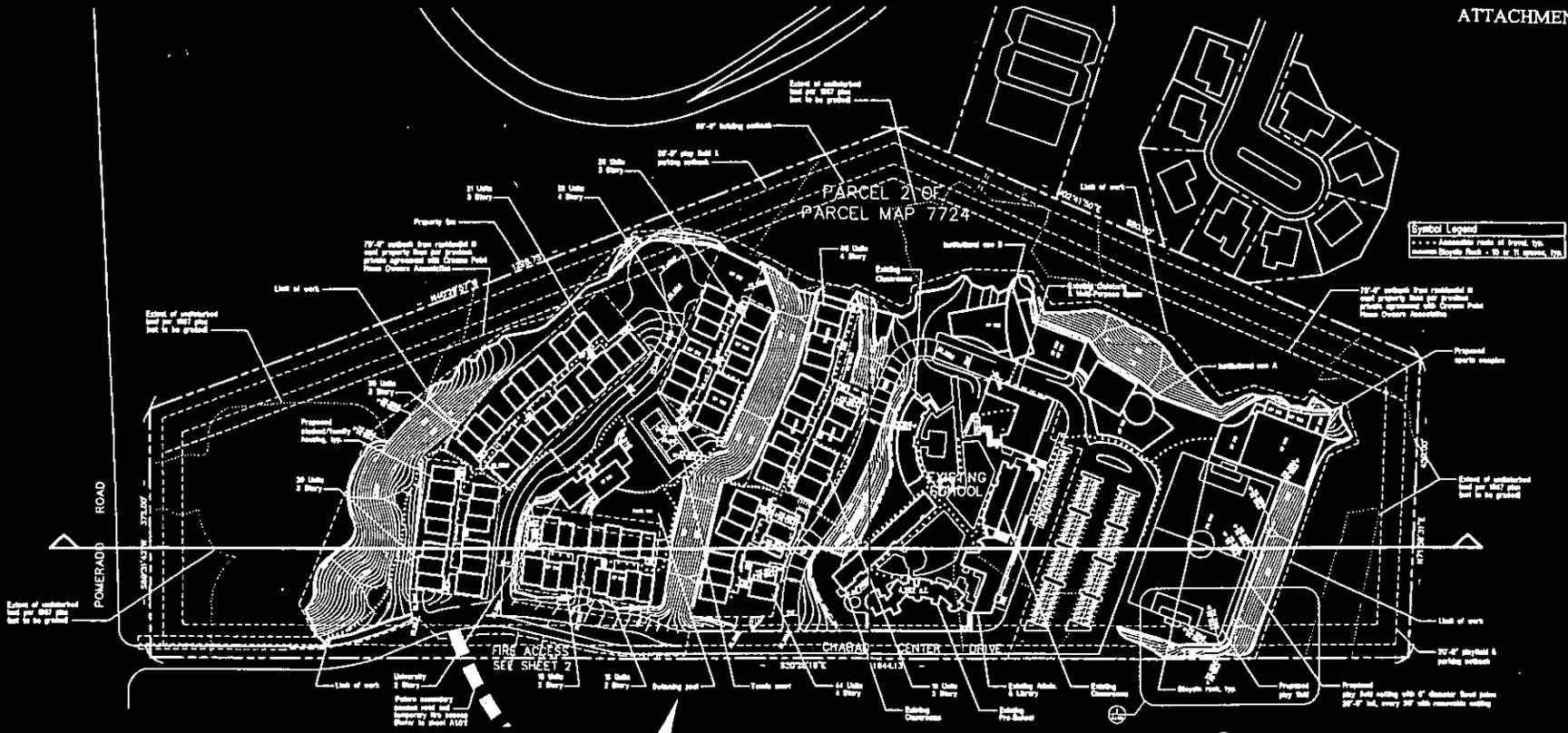
# Aerial Map - Chabad Educational Campus SCR

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT  
 Located at 10785 Pomerado Road, Project No. 123607

Map prepared by SARGIS, Inc. for the City of San Diego, with funding from the City of San Diego. All rights reserved. No warranty is made by SARGIS, Inc. for the use of this map. The map is provided as a reference only. The map is not to be used for any other purpose. The map is not to be used for any other purpose. The map is not to be used for any other purpose.

**SARGIS**

THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT  
 10785 POMERADO ROAD, SAN DIEGO, CA 92128  
 TEL: 619-441-3100 FAX: 619-441-3101  
 WWW.CITYOFSD.GOV



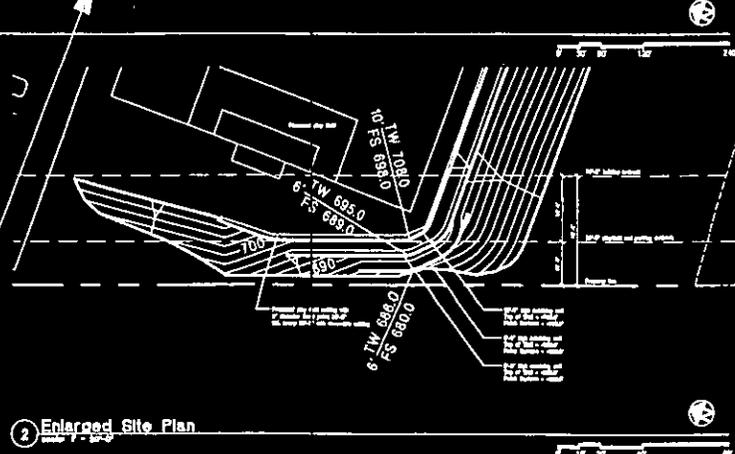
**Symbol Legend**

- Assumed grade of street, top
- Assumed Right of Way of street, top

1 Proposed Site Plan  
Scale: 1" = 50'-0"

General Note: For site building coverage and unit area calculations, refer to project data and calculations on sheet A1.00

Issue no building permits until fire access road is constructed.



2 Enlarged Site Plan  
Scale: 1" = 20'-0"

**M.W. STEELE GROUP, INC.**  
 625 FIFTEENTH STREET  
 SAN DIEGO, CA | 92101  
 TELEPHONE 619 238 8333  
 FACSIMILE 619 238 8333  
 WWW.MWSTEELGROUP.COM  
 ARCHITECTURE | PLANNING

**Chabad Educational Campus**  
 10785 Pomerado Road  
 San Diego, CA 92131

**Phase Plan Approval**

Prepared by	MS
Checked by	MS
Drawn by	MS
Date	07/10/07
Scale	1" = 50'-0"
Sheet	1 of 1

Site Plan

**A1.00**

Page 1 of 1

MHP

*Beight*

000359

RESOLUTION

*P-2*

CONDITIONAL USE PERMIT - CASE NO. 133-PC

*(266-1 100' min)  
2nd 3-31-47*

WHEREAS, Conditional Use Permit No. 133-PC has been considered by the Planning Commission of the City of San Diego, California, and the Planning Commission has conducted a public hearing on this request of UNITED STATES INTERNATIONAL UNIVERSITY, Owner, to construct and operate a University with related incidental uses, located on the south side of Pomerado Road, approximately one mile east of U.S. Highway 395, being a portion of Sections 3 and 4, T15S, R2W, S.B.8.M., in the Interim R-1-5 zone; and

*(1-40  
OK) 3-31-47*

WHEREAS, the Planning Commission has made the following Findings of Fact in relation thereto:

1. That the proposed use at the particular location is desirable to provide a facility which will contribute to the general well-being of the community because it will satisfy a need for additional educational facilities.
2. That such use under the circumstances of this particular case will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the conditions imposed will insure the University will be compatible with the surrounding development.
3. That the proposed use will comply with all governmental regulations and conditions specified in the Municipal Code for such use because of the conditions imposed.
4. That the granting of this conditional use will not adversely affect the master plan of the City or the adopted plan of any governmental agency because of the conditions imposed.

NOW, THEREFORE, BE IT RESOLVED, By the City Planning Commission of San Diego, California, that permission is hereby granted to UNITED STATES INTERNATIONAL UNIVERSITY, Owner, to construct and operate a University with related incidental uses at the above-mentioned location, under the following conditions:

1. The University shall be used for one or more self-contained campuses, including housing for students and faculty. The number of full-time or equivalent students on the property shall not exceed approximately 6,000 in addition to faculty and staff.
2. Prior to issuance of any building permit a tentative subdivision map shall be filed on the entire property and a final subdivision map or maps be recorded.
3. Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit "A", a plot plan for the entire phase shall be submitted to the Planning Commission for approval.
4. Prior to the issuance of any building permits, complete building plans, (including signs) shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the office of the Planning Department and the plot plan required in 3 above. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require a deviation.

000360

5. Prior to occupancy of any building in any phase as noted by number on Exhibit "A", complete landscape plans including sprinkler systems for the entire phase shall be submitted to the Planning Director for approval.

6. Building Development Standards:

A. Buildings shall not cover more than 15 per cent of the total area of the property.

B. No building shall be closer than 50 feet to any property line.

C. No parking area, playfield or other facility or structure, except fences, access roads, drainage facilities, utilities, entrance gates and identification signs, shall be closer than 20 feet to any property line.

D. No fence along or within 20 feet of any property line shall exceed 6 feet in height.

E. Access roads into the property from Pomerado Road shall not exceed four in number, and their location and the design of the intersection with Pomerado Road shall be subject to approval by the City Engineer.

F. Entrance gates and identification signs shall not exceed one each at each approved entrance to Pomerado Road, and their size and design shall be subject to approval by the Planning Director.

G. A public sewer system and a public water system shall be installed at the applicant's expense at the direction of the Utilities Director.

7. Parking Development Standards:

A. Automobile parking on the property shall be provided at a minimum ratio of 4 spaces for each 9 resident students and 1 space for each 1 non-resident student. The minimum ratio for faculty and staff shall be 1 space for each faculty and staff. The basis for determining the number of parking spaces required at any time shall depend upon the number of students enrolled and faculty-staff employed at the time of start of construction of any particular phase. The ratio for parking requirements may be reviewed and modified by the Planning Commission prior to the construction of any particular phase.

B. Parking spaces and aisles shall conform to Planning Department standards except as may be modified by the City Engineer to allow for smaller parking spaces for compact cars.

C. Required parking areas shall be provided on the subject property in the approximate locations shown on Exhibit "A".

D. Parking areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent, and each parking space shall be adequately marked including wheel stops within designated parking lots.

000361

## 8. Street Development Standards:

- A. The improved paved width of the primary circulation streets with parking lanes shall be 40 feet; of secondary streets with parking lanes, 36 feet.
- B. The improved paved width of primary and secondary circulation streets and service roads without parking lanes shall be as determined by the City Engineer.
- C. The type of improvements shall be determined by the City Engineer.
- D. A primary street from Pomerado Road shall be installed within three years of the effective date of this permit.
- E. A primary or secondary street shall be installed to provide street frontage for each phase prior to occupancy of any building constructed in that phase.
9. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
10. Construction and operation of the proposed use shall comply at all times with the regulations and requirements of this and other governmental agencies.

If any condition of this grant is violated, or if the same be not complied with in every respect, this conditional use permit shall be subject to revocation; provided, however, that within ten days after being notified in writing by the City that a condition has been violated and that subject conditional use permit is null and void an appeal may be filed with the Planning Commission to show cause why subject permit should be reinstated.

That permission granted by this Conditional Use Permit shall become effective and final on the eleventh day after it is filed in the Office of the City Clerk, unless a written appeal is filed within ten (10) days after such filing in the Office of the City Clerk.

Any Conditional Use Permit, or extension of time, granted by the City shall be null and void, and shall be revoked automatically one year after its effective date, unless the use and/or construction permitted is commenced before said time expires, in accordance with Municipal Code Section 101.0506.

CITY PLANNING COMMISSION  
City of San Diego, California

By J. R. Quivey  
J. R. Quivey, Senior Planner

DATE: March 15, 1967

FILED IN OFFICE OF CITY CLERK

March 16, 1967

RIGHT OF APPEAL EXPIRES 10 DAYS AFTER ABOVE DATE.

## PART 2 - EXHIBIT "A"

ESTIMATED CAPACITY OF PROJECTED FACILITIESUNITED STATES INTERNATIONAL UNIVERSITYCAMP ELLIOTT CAMPUSWest Portion of Campus

- Phase
1. Women's Physical Education facilities to accommodate from 1,000 to 1,500 students (gymnasium, playing fields, tennis courts).
  2. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pools, etc.
  3. Administration facilities to accommodate a staff of 50 persons.
  4. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, and related facilities.)
  5. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,050 students and related faculty offices.
  6. Classroom facilities to accommodate from 300 to 400 students with related faculty offices.
  7. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
  8. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
  9. Chapel to accommodate 1,000 persons.
  10. Dining Hall and Student Commons to accommodate the needs of a student body of 3,000.
  11. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
  12. Auditorium to accommodate 1,200 persons.
  13. Maintenance and shop facilities to serve a campus of 3,000 students.
  14. Residence Halls to accommodate 1,250 persons with related facilities including lounge and pool, etc.
  15. Men's Physical Education field house to accommodate up to 3,000 students together with playing fields and related outdoor facilities for 1,500 students.

000363

East Portion of Campus

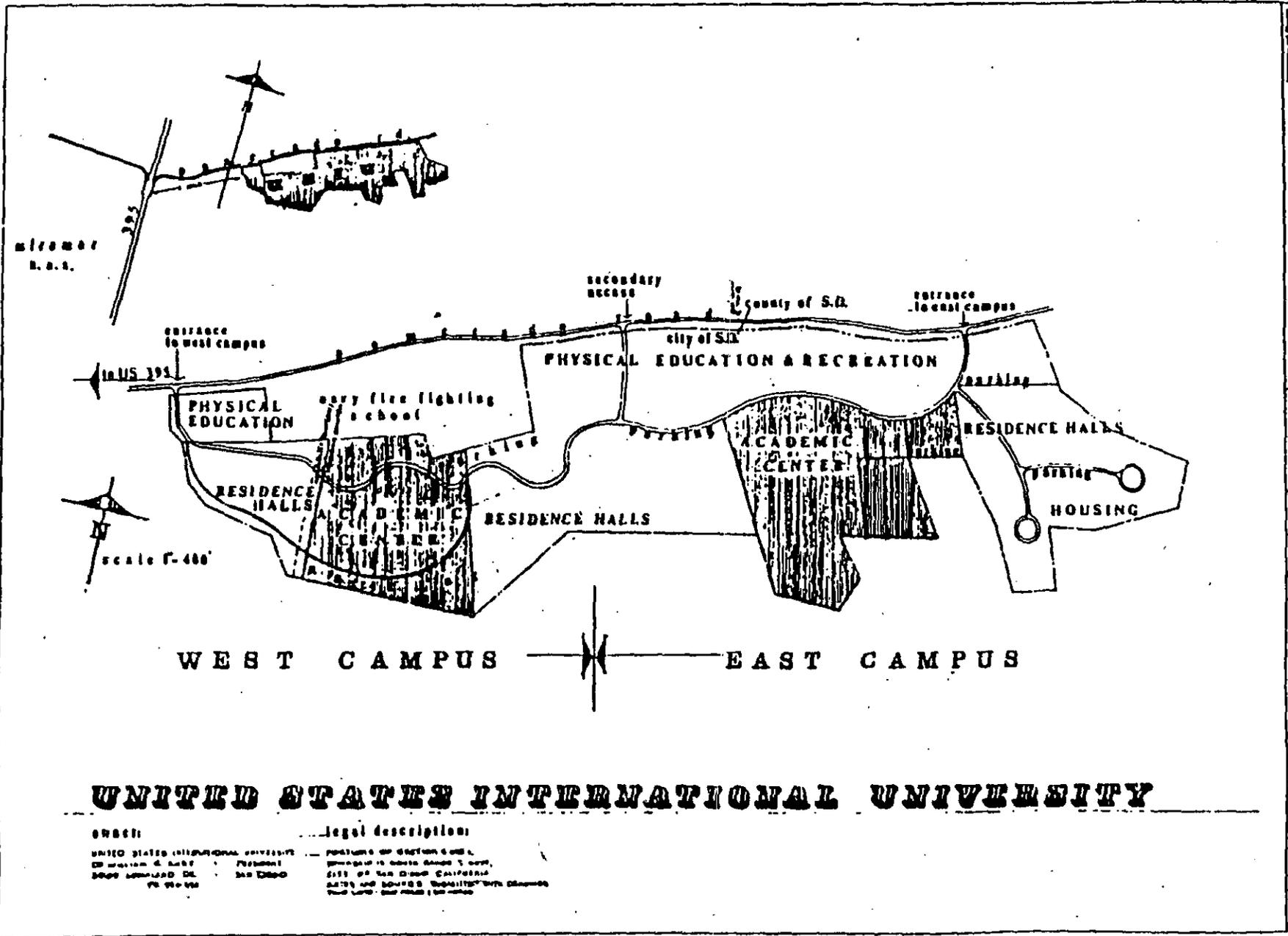
- Phase 16. Men's Physical Education playing field and related outdoor facilities for 1,500 students.
17. Women's Physical Education facilities to accommodate 1,500 students (gymnasium, playing field and related facilities).
18. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pool, etc.
19. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,000 students and related faculty offices.
20. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, etc.)
21. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
22. Student Commons and Dining Hall facilities to accommodate 3,000 students.
23. Chapel to accommodate 800 persons.
24. Classroom facilities to accommodate from 1,500 to 2,000 students with related faculty offices.
25. Maintenance facilities and shop to serve campus of 3,000 students.
26. Research center with research laboratories, offices and library to accommodate a staff of 100 persons.
27. Administration facilities to accommodate a staff of 50 persons.
28. Residence Halls to accommodate 600 persons with related facilities including lounges and pool, etc.
29. Residence Halls to accommodate 650 persons with related facilities including lounges and pool, etc.
30. Educational training center with facilities to accommodate 300 students.
31. Married student housing to provide residences for 300 married students and their families.
32. Faculty housing to provide residential accommodations for 50 families.

000364

✓  
A  
City Planning Dept  
MAR 30 1967  
RECEIVED

RICHARD JOHN LABEAU & Associates Architects, AIA

UNITED STATES INTERNATIONAL UNIVERSITY



# UNITED STATES INTERNATIONAL UNIVERSITY

**OWNER:**  
 UNITED STATES INTERNATIONAL UNIVERSITY  
 DE WASHINGTON & EAST 1st FLOOR  
 3900 UNIVERSITY BL. No. 1000  
 WASHINGTON, D.C. 20007

**Legal description:**  
 PORTION OF SECTION 6 AND 7  
 TOWNSHIP 10 NORTH RANGE 1 WEST  
 CITY OF SAN DIEGO CALIFORNIA  
 SAID LAND BOUND BY THE  
 WEST LINE OF THE 1000' WIDE





000371

City Planning Dept.  
OCT 17 1972  
RECEIVED

DOCUMENT NO. 741599

FILED OCT 16 1972

Page 1 of 12

OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

RECEIVED ATTACHMENT 8

FINDINGS OF FACT  
RESOLUTION NO. 133-PC/AMENDMENT

1972 OCT 13 PM 2:00

SAN DIEGO, CALIF.

WHEREAS, UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee", filed an application for a Conditional Use Permit Amendment to construct and operate a University with related incidental uses, located south of Pomerado Road, east of State Highway 163, more particularly described as U. S. International University, Map No. 5960, on file in the Office of the County Recorder, in the R-1-5 and R-1-40 Interim zones.

*See 3 & 4, TISS R2W*

WHEREAS, the Planning Commission of The City of San Diego considered Case No. 133-PC/Amendment pursuant to Section 101.0506 et sequitur of the Municipal Code of The City of San Diego and granted a Conditional Use Permit Amendment under date of May 31, 1972, and filed the same in the Office of the City Clerk on June 16, 1972 to "Owner/Permittee" to construct and operate a University subject to terms and conditions as set out in said Conditional Use Permit Amendment; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of The City of San Diego, as follows:

That all of the following facts exist with respect to the issuance of a Conditional Use Permit Amendment in favor of "Owner/Permittee":

1. That the proposed use at the particular location is necessary to provide a facility which will contribute to the general wellbeing of the community.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
3. That the proposed use will comply with the regulations and conditions specified in the Code for such use.
4. That the granting of this Conditional Use Permit will not adversely affect the Master Plan of the City or the adopted plan of any governmental agency.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the Planning Commission does hereby grant to "Owner/Permittee" a Conditional Use Permit Amendment in the form and with the terms and conditions as set forth in Conditional Use Permit No. 133-PC Amendment, attached hereto and made a part hereof.

*Mary M. Bagaloff*

Mary M. Bagaloff, Secretary of the  
Planning Commission

000372

ATTACHMENT 8

CONDITIONAL USE PERMIT - PLANNING COMMISSION

CASE NO. 133-PC/AMENDMENT

RECEIVED  
CITY OF SAN DIEGO  
1972 OCT 13 PM 2:10  
SAN DIEGO, CALIF.

This Conditional Use Permit Amendment is granted by the City Planning Commission of The City of San Diego to UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee", for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 et sequitur of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a University with related incidental uses, located south of Pomerado Road, east of State Highway 163, more particularly described as U. S. International University, Map No. 5960, on file in the Office of the County Recorder, in the R-1-5 and R-1-40 Interim zones.
2. The University shall include, and the term "Project" as used in this Conditional Use Permit Amendment shall mean, the total of the following facilities:
  - a. Academic facilities for a 6000 student university.
  - b. Housing for students and faculty.
  - c. Offstreet parking.
  - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. The University shall be used for one or more self-contained campuses, including housing for students and faculty. The number of full-time or equivalent students on the property shall not exceed approximately 6000 in addition to faculty and staff.
4. Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit "A", a plot plan for the entire phase shall be submitted to the Planning Commission for approval.
5. Prior to the issuance of any building permits, complete building plans, including signs, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the Office of the Planning Department and the plot plan required in No. 4 above. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require a deviation.
6. Prior to occupancy of any building in any phase as noted by number on Exhibit "A", complete landscape plans, including sprinkler systems for the entire phase, shall be submitted to the Planning Director for approval.
7. Building Development Standards:
  - A. Buildings shall not cover more than 15 per cent of the total area of the property.
  - B. No building shall be closer than 50 feet to any property line, except that a 100-foot setback adjacent to Pomerado Road shall be maintained with no buildings or structures permitted within said setback.

CUP 133-PC/Amend.

- C. No parking area, playfield or other facility or structure, except fences, access roads, drainage facilities, utilities, entrance gates and identification signs, shall be closer than 20 feet to any property line.
  - D. No fence along or within 20 feet of any property line shall exceed six feet in height.
  - E. Access roads into the property from Pomerado Road shall not exceed four in number and their location and the design of the intersection with Pomerado Road shall be subject to approval by the Community Development Director.
  - F. Entrance gates and identification signs shall not exceed one each at each approved entrance to Pomerado Road, and their size and design shall be subject to approval by the Planning Director.
  - G. A public sewer system and a public water system shall be installed at the applicant's expense at the direction of the Utilities Director.
8. Parking Development Standards:
- A. Automobile parking on the property shall be provided at a minimum ratio of four spaces for each nine resident students and one space for each one non-resident student. The minimum ratio for faculty and staff shall be one space for each faculty and staff. The basis for determining the number of parking spaces required at any time shall depend upon the number of students enrolled and faculty-staff employed at the time of start of construction of any particular phase. The ratio for parking requirements may be reviewed and modified by the Planning Commission prior to the construction of any particular phase.
  - B. Parking spaces and aisles shall conform to Planning Department standards except as may be modified by the Community Development Director to allow for smaller parking spaces for compact cars.
  - C. Required parking areas shall be provided on the subject property in the approximate locations shown on Exhibit "A".
  - D. Parking areas and driveways shall be surfaced with not less than 2-inch A.C. or its equivalent, and each parking space shall be adequately marked, including wheel stops within designated parking lots.
  - E. No charge shall be made at any time for the use of these offstreet parking spaces.
9. Street Development Standards:
- A. The improved paved width of the primary circulation streets with parking lanes shall be 40 feet; of secondary streets with parking lanes, 36 feet.
  - B. The improved paved width of primary and secondary circulation streets and service roads without parking lanes shall be as determined by the

CUP 133-PC/Amend.

Community Development Director.

- C. The type of improvements shall be determined by the Community Development Director.
  - D. A primary street from Pomerado Road shall be installed within three years of the effective date of this permit.
  - E. A primary or secondary street shall be installed to provide street frontage for each phase prior to occupancy of any building constructed in that phase.
10. The phases of construction for the University are delineated in Appendix "A" hereto attached and made a part hereof.
11. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission of The City of San Diego on May 31, 1972.

000375

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee"

By William Paul Per  
Authorized Signator

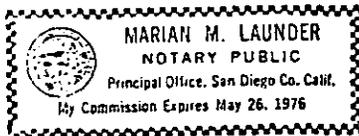
STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On this 25<sup>th</sup> day of August, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared William Paul Per, of UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, the corporation that executed the within instrument and known to me to be the person who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

Marian M. Launder  
Notary Public in and for said County and State

NOTARY STAMP





## GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" (dated May 31, 1972), on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated May 31, 1972), on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This conditional use permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the conditional use permit within an 18-month period will automatically void the same. This conditional use permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 or 101.0507 and 101.0508 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This conditional use permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.
7. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:
  - a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the Planning Commission granted this conditional use permit.
  - b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The project included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

11. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

## CONDITIONAL USE PERMIT NO. 133-PC

## APPENDIX "A"

ESTIMATED CAPACITY OF PROJECTED FACILITIESUNITED STATES INTERNATIONAL UNIVERSITYCAMP ELLIOTT CAMPUSWest Portion of Campus

- Phase 1. Women's Physical Education facilities to accommodate from 1,500 students (gymnasium, playing fields, tennis courts).
2. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pools, etc.
3. Administration facilities to accommodate a staff of 50 persons.
4. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, and related facilities).
5. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,050 students and related faculty offices.
6. Classroom facilities to accommodate from 300 to 400 students with related faculty offices.
7. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
8. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
9. Chapel to accommodate 1,000 persons.
10. Dining Hall and Student Commons to accommodate the needs of a student body of 3,000.
11. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
12. Auditorium (cultural education center) to accommodate a maximum of 2,100 persons.

13. Parking and maintenance and shop facilities.
14.
  - A. Academic facility (D) consisting of classroom, faculty offices, student study areas and other related facilities.
  - B. Academic facility (C) consisting of lecture hall, classroom and related academic facilities.
  - C. Academic facility (B) consisting of classrooms, faculty offices, student study areas and other related facilities.
  - D. Academic facility consisting of classrooms, faculty offices, student study areas and other related facilities; parking.
  - E. Academic facility (E) consisting of classrooms, faculty offices and student study areas and other related facilities.
  - F. Multi-purpose building, including center functions; academic facility consisting of classroom, faculty offices, student study areas and other related facilities.
  - G. Physical education field house (gymnasium) and physical education playfield.
  - H. Academic facility (A) consisting of classroom, faculty offices, student study areas and other related facilities.
  - I. Residence halls, capacity approximately 1,000.
  - J. Amphitheatre.
  - K. Parking.
15.
  - A. Physical education playfield, permanent and temporary parking.
  - B. Academic facility consisting of extended learning facility, including lecture halls, classrooms, faculty offices and related academic facilities; parking.
18.
  - A. Parking
  - B. Academic facility consisting of classroom, faculty offices, student study areas and other related facilities.
  - C. Academic facility consisting of school of law.

000381

- D. Academic facility consisting of classroom, faculty offices, student study areas and other related facilities.
- E. Parking facilities.
- F. Multi-purpose building including faculty and student center facilities.

East Portion of Campus

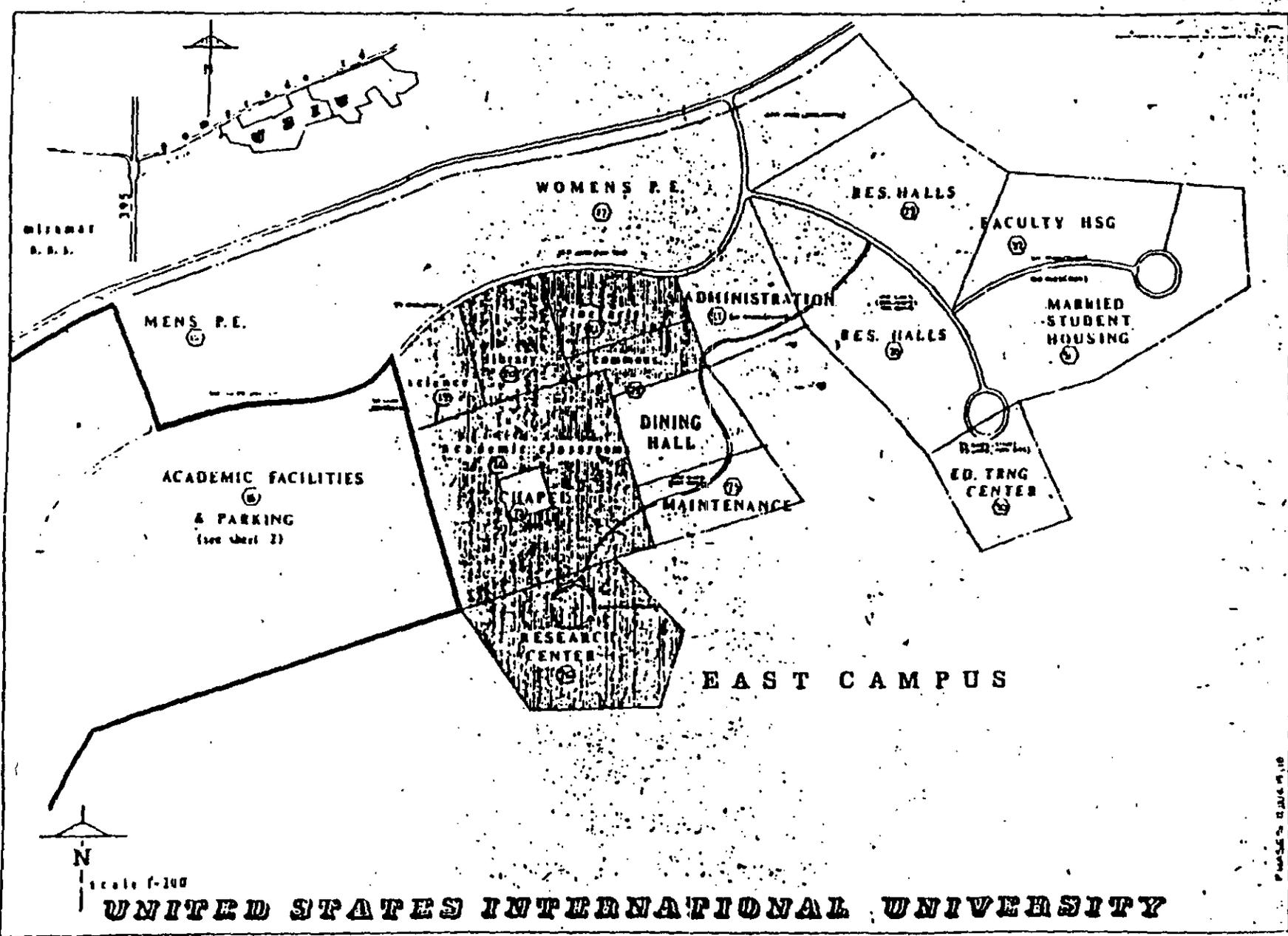
- 16. Men's Physical Education playing field and related outdoor facilities for 1,500 students.
- 17. Women's Physical Education facilities to accommodate 1,500 students (gymnasium, playing field and related facilities).
- 19. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,000 students and related faculty offices.
- 20. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, etc.)
- 21. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related facility.
- 22. Student Commons and Dining Hall facilities to accommodate 3,000 students.
- 23. Chapel to accommodate 800 persons.
- 24. Classroom facilities to accommodate from 1,500 to 2,000 students with related faculty offices.
- 25. Maintenance facilities and shop to serve campus of 3,000 students.
- 26. Research center with research laboratories, offices and library to accommodate a staff of 100 persons.
- 27. Administration facilities to accommodate a staff of 50 persons.
- 28. Residence Halls to accommodate 600 persons with related facilities including lounges and pool, etc.
- 29. Residence Halls to accommodate 650 persons with related facilities including lounges and pool, etc.
- 30. Educational training center with facilities to accommodate 300 students.

000382

31. Married student housing to provide residences for 300 married students and their families.
32. Faculty housing to provide residential accommodations for 50 families.





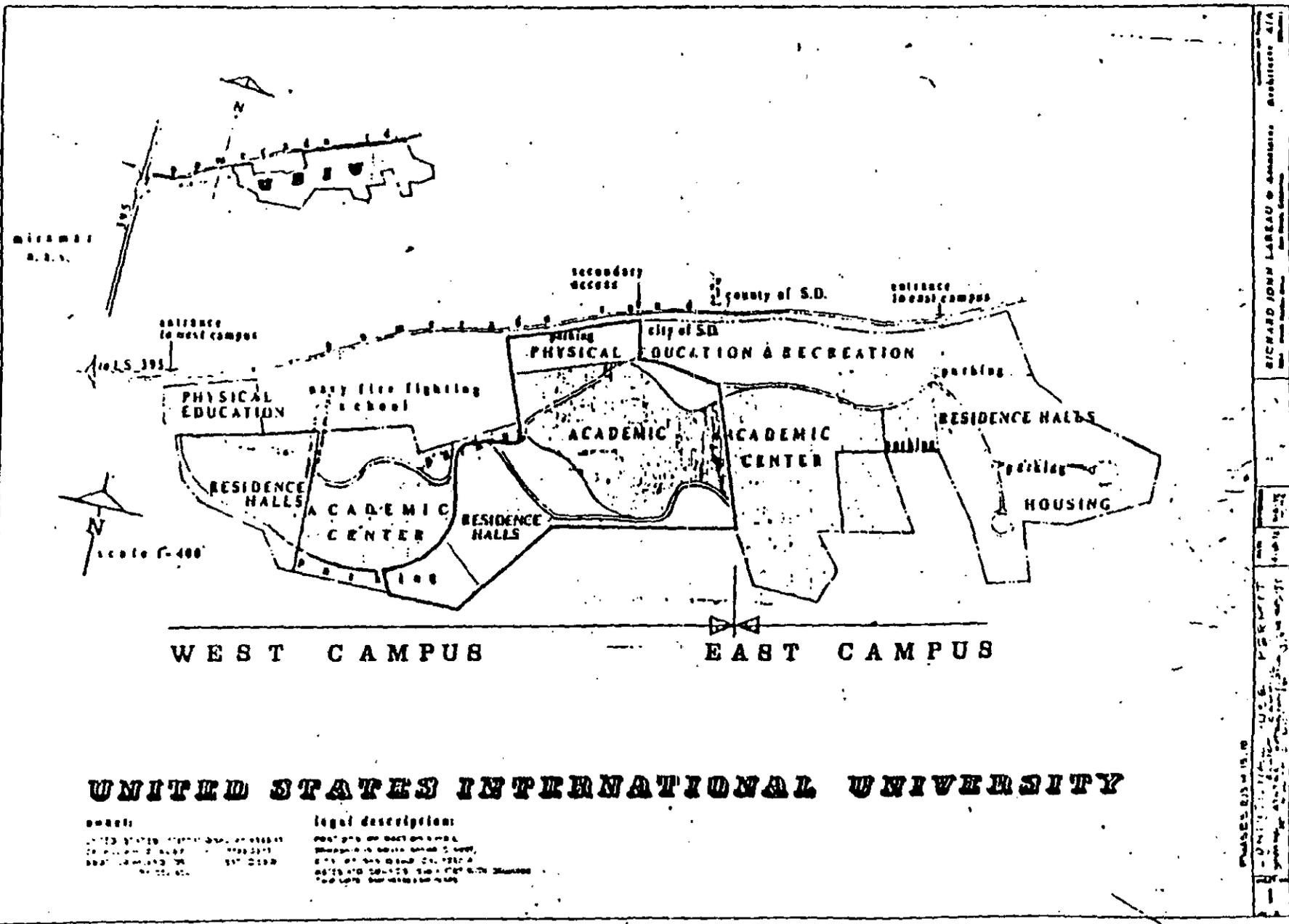


**UNITED STATES INTERNATIONAL UNIVERSITY**

RICHARD JOHN LARAU & ASSOCIATES, ARCHITECTS AIA  
 1111 1/2 N. GARDEN ST. SUITE 100  
 DENVER, CO 80202  
 PHONE: 303.733.1111  
 FAX: 303.733.1112  
 WWW: WWW.RJLARCHITECTS.COM

RICHARD JOHN LARBAU & ASSOCIATES ARCHITECTS AIA

Scale 1/8" = 100'



# UNITED STATES INTERNATIONAL UNIVERSITY

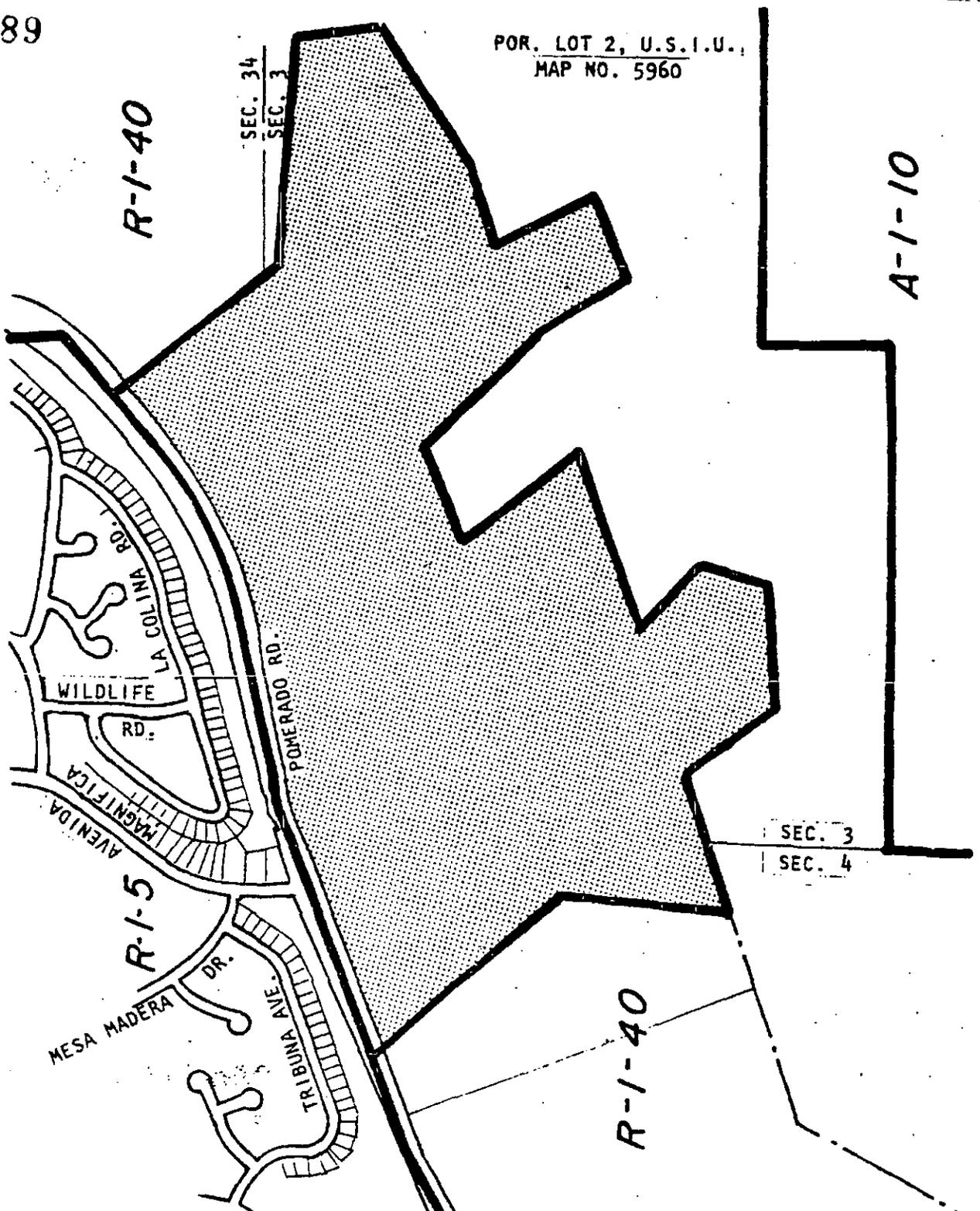
**units:**  
 UNITED STATES INTERNATIONAL UNIVERSITY  
 1000 UNIVERSITY BLVD.  
 MIAMI, FLORIDA 33136  
 TEL: 305-371-1111

**legal description:**  
 PART 210 OF BLOCK 10, LOT 10, TRACT 10, CITY OF MIAMI, FLORIDA  
 PART 210 OF BLOCK 10, LOT 10, TRACT 10, CITY OF MIAMI, FLORIDA  
 PART 210 OF BLOCK 10, LOT 10, TRACT 10, CITY OF MIAMI, FLORIDA



000389

POR. LOT 2, U.S.I.U.,  
MAP NO. 5960



A CUP AMENDMENT TO REMOVE (DELETE) THE EASTERLY 200 ACRES FROM A 435 ACRE SITE UTILIZED FOR A UNIVERSITY COMPLEX IN THE R-1-40 ZONE.

# CUP 133 PC/AM #1

## AREA 200 ACRES



000390

# PLANNING REPORTS

CITY PLANNING DEPARTMENT  
330-6400

SALES/REGISTRATION

JUN 11 1978

PROVIDENCE REALTY INCORPORATED



June 8, 1978

**SUBJECT:** CONDITIONAL USE PERMIT NO. 133/AMENDMENT NO. 2.  
A Conditional Use Permit Amendment to delete approximately 200 acres from a 435 acre university campus in the R-1-40 Zone. Located on the south side of Pomerado Road, between Willow Creek Road and Semillon Boulevard. It is a portion of Lot 2, USIU, Map #5960. Applicant: Providence Realty Incorporated. EQD #78-02-01 (ND)

## BACKGROUND

This hearing was continued from the Planning Commission meeting of June 1, 1978, and concerns a request to amend a conditional use permit to delete approximately 200 acres of undeveloped land from the campus of the United States International University. The subject 435 acre campus is located on the south side of Pomerado Road, approximately 1/2 mile east of the Interstate 15 freeway. The Planning Commission on March 15, 1967, approved Conditional Use Permit No. 133-PC authorizing the construction of the USIU campus at this location. The approved permit indicated that the initial development would take place on the west half of the 435 acre campus and that the east half would be reserved for future expansion. Subsequently, on May 31, 1972, the Planning Commission approved an amendment to the conditional use permit to revise the site plan, still leaving the eastern 200 acres of the campus for future development. The applicant at this time, requests deletion of the eastern, undeveloped half of the campus from the permit boundaries.

The subject property is located on the south side of Pomerado Road, a two-lane road connecting Miramar with Poway. Development and zoning surrounding the property consists of the USIU campus, the U.S. Navy Fire Fighter School and vacant land to the west in the R-1-40 Zone; the Scripps Ranch residential community to the north, in the R-1-5 Zone; and vacant land to the east and south in the R-1-40 and A-1-10 Zones. The adopted General Plan designates the subject property for college usage.

RECOMMENDATIONS ARE BASED ON INFORMATION AVAILABLE AT THE TIME OF THE HEARING

## RECOMMENDATION

The Planning Department recommends APPROVAL of the Conditional Use Permit Amendment based upon the belief that deletion of this land area from the conditional use permit boundary would not materially change the findings made for the approval of the conditional use permit.

## ANALYSIS

The subject Conditional Use Permit Amendment proposes the deletion of a vacant, 200 acre tract of land from the USIU campus. The applicant indicates that the subject land area is no longer under the ownership of the university. Deletion of the subject area from the permit boundary should in no way precommit development of this land area contrary to the intent of the adopted General Plan. The General Plan, at this time, designates this property for development with a college campus. Any other form of development would be inconsistent with this designation and would require amending the General Plan. A General Plan amendment for this area is currently in process and is scheduled for a Planning Commission hearing on June 8, 1978.

The Environmental Quality Division has reviewed the available information concerning this Conditional Use Permit Amendment and has determined that the amendment would have no detrimental effects upon the environment. A Negative Declaration has been prepared and is on file in the Environmental Quality Division office for public review.

:yg

CONDITIONAL USE PERMIT NO. 133-PC/AMENDMENT NO. 2

PLANNING COMMISSION

This Conditional Use Permit Amendment is granted by the Planning Commission of The City of San Diego to UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506, et sequitur, of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to maintain and operate a University with related incidental uses, located south of Pomerado Road, east of State Highway 163, more particularly described as Lot 1 and a portion of Lot 2, U. S. International University, Map No. 5960, on file in the Office of the County Recorder, in the R-1-40 Zone.

Condition No. 10 is hereby amended to delete all references to the east portion of the campus, described on Exhibit "A," dated June 15, 1978.

Passed and adopted by the Planning Commission of The City of San Diego on June 15, 1978.

RECEIVED  
PLANNING COMMISSION  
JUN 15 1978

## GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated June 15, 1978, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" dated June 15, 1978, the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. This Conditional Use Permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the Conditional Use Permit within an 18-month period will automatically void the same. This Conditional Use Permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 and 101.0507 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. This Conditional Use Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.

7. The effectiveness of this Conditional Use Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

- a. Permittee shall have agreed to each and every condition hereof by having this Conditional Use Permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in Condition No. 4 above i.e., the time commences to run on the date that the Planning Commission granted this Conditional Use Permit.

- b. This Conditional Use Permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.
9. The project included within this Conditional Use Permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the Permit shall have been revoked by The City of San Diego.
10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this Permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Conditional Use Permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506 or 101.0507. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.1506 or 101.0507.
11. This Conditional Use Permit shall inure to the benefits of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

May, 1974

000395

AUTHENTICATED BY:

*F. R. Knostman*  
F. R. Knostman, Senior Planner  
Planning Department

*Charlotte L. Hunter*  
Charlotte L. Hunter, Secretary of the  
Planning Commission

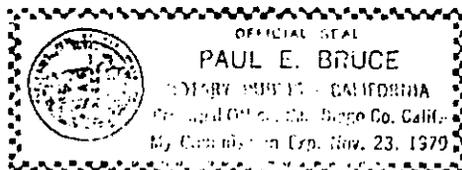
STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On this 22ND day of JUNE, 1978, before me, the undersigned, a Notary Public in and for said County and State, personally appeared F. R. KNOSTMAN, known to me to be Senior Planner of The City of San Diego Planning Department, and CHARLOTTE L. HUNTER, known to me to be the Secretary of the Planning Commission of The City of San Diego and known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

*Paul E. Bruce*  
Notary Public in and for the County of  
San Diego, State of California

NOTARY STAMP



ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

UNITED STATES INTERNATIONAL UNIVERSITY  
A California Corporation, "Owner/Permittee"  
By William C. Rust  
Authorized Signator

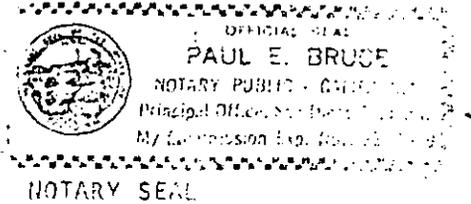
STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On AND DAY OF AUGUST 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM C. RUST, known to me to be the PRESIDENT of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

(Corporation)

WITNESS my hand and official seal.

Signature Paul E Bruce  
PAUL E. BRUCE  
Name (Typed or Printed)



STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

(Corporation)

WITNESS my hand and official seal.

Signature \_\_\_\_\_  
Name (Typed or Printed)

NOTARY SEAL

000397

RECEIVED  
CITY CLERK

AUG 13 1978  
SAN DIEGO, CALIF.

PLANNING COMMISSION RESOLUTION NO. 1358

GRANTING CONDITIONAL USE PERMIT NO. 133-PC/AMENDMENT NO. 2

WHEREAS, UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee," filed an application for a Conditional Use Permit Amendment to maintain and operate a university with related incidental uses, located south of Pomerado Road, east of State Highway 163, described as Lot 1 and a portion of Lot 2, U. S. International University, Map #5960, on file in the Office of the County Recorder, in the R-1-40 Zone; and

WHEREAS, on June 15, 1978, the Planning Commission of The City of San Diego considered Conditional Use Permit No. 133-PC/Amendment No. 2 pursuant to Section 101.0506 of the Municipal Code of The City of San Diego and received for its consideration documentary, written and oral testimony, and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Commission of The City of San Diego, as follows:

1. That the Planning Commission adopts as the Findings of the Planning Commission those written Findings set forth in the Report of the Planning Department dated June 8, 1978, and found beginning at Page 1 of said report, a copy of which is attached hereto and by this reference incorporated herein.
2. That said Findings are supported by the Minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, the application for Conditional Use Permit No. 133-PC/Amendment No. 2 is hereby granted to Owner/Permittee in the form and with the terms and conditions as set forth in Conditional Use Permit No. 133-PC/Amendment No. 2, a copy of which is attached hereto and made a part hereof.

*Charlotte L. Hunter*  
Charlotte L. Hunter, Secretary of the  
Planning Commission

DOCUMENT NO. 764118  
FILED AUG 3 1978  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

D

000399

## CLERK'S FILE COPY

213

(R-95-292)  
Corrected copyRESOLUTION NUMBER R- 284501ADOPTED ON AUG 08 1994

WHEREAS, in March 1967, the Planning Commission approved a conditional use permit (CUP) for United States International University (USIU) to construct a campus on approximately 435 acres in the Scripps Ranch area for a maximum of 6,000 full time equivalent students; and

WHEREAS, USIU thereafter constructed and has operated a university on a portion of the CUP area; and

WHEREAS, an approximately 27-acre portion of the CUP area has gone into separate ownership from USIU and Friends of Chabad-Lubavich San Diego, Inc. (Chabad) has indicated its intent to purchase the approximately 27-acre parcel and develop and operate a kindergarten through twelfth grade private school and a rabbinical seminary; and

WHEREAS, Chabad has indicated that it plans to develop buildings on the property in substantially the same manner as was approved for the USIU facilities on the approximately 27-acre parcel; and

WHEREAS, the USIU facilities approved for the parcel included a law school and other university educational facilities; and

WHEREAS, Chabad and USIU intend to record an agreement as to the allocation of students between the 27-acre parcel portion of the CUP and the balance of the acreage; and

000400

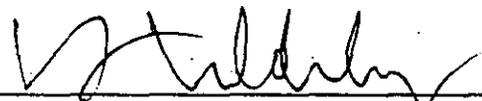
WHEREAS, Chabad approached City staff and the City Manager to seek a determination that its proposed facilities, i.e., a kindergarten through twelfth grade private school plus a "Yeshiva" (rabbinical seminary) accommodating a maximum of 800 full time equivalent students is in substance the same use previously approved under the CUP, therefore negating any need for a new CUP or CUP amendment; and

WHEREAS, the City Attorney supports a determination that the proposed Chabad use is substantively the same as the university use approved under the USIU conditional use permit provided; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that having heard all public testimony relating to the above proposal and having reviewed the City Manager's report, the City Council hereby determines that the use as described in the Manager's report which is proposed by Chabad is in fact substantively the same as the university use approved by the City and that therefore no new conditional use permit or amended conditional use permit will be required for such proposed development and use.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
08/05/94 COR.COPY  
Or.Dept:Mgr.  
R-95-292  
Form=r-t



# Report to the Planning Commission

DATE ISSUED: January 6, 1995 REPORT NO. P-95-012

ATTENTION: Planning Commission, Agenda of January 12, 1995,  
Item No. 4.

SUBJECT: REQUEST BY THE FRIENDS OF CHABAD-LUBAVICH  
SAN DIEGO, INC. FOR A PLANNING COMMISSION FINDING OF  
SUBSTANTIAL CONFORMANCE FOR A PROPOSED  
800-STUDENT, K-12 SCHOOL WITH THE 1972 PLANNING  
COMMISSION APPROVED PHASE PLAN FOR THE UNITED  
STATES INTERNATIONAL UNIVERSITY (USIU) CONDITIONAL  
USE PERMIT.

REFERENCE: City Council Meeting of August 8, 1994,  
Conditional Use Permit No. 133-PC.

OWNER/  
APPLICANT: Mr. Edward Altman/Friends of Chabad-Lubavich,  
San Diego, Inc.

## SUMMARY:

Issue: Should the Planning Commission find that the proposed "Plot Plan" for an 800-student, K-12 school, submitted by the Friends of Chabad-Lubavich San Diego, Inc., substantially conforms with the 1972 Planning Commission approved Phase Plan for USIU?

Development Services Recommendation: Find the submitted "Plot Plan" to be in substantial conformance with the 1972 USIU Phase Plan.

Community Planning Group Recommendation: The Scripps Ranch Community Planning Group had not provided the Department with a recommendation for the current proposal. However a recommendation is expected prior to the Planning Commission meeting.

Environmental Impact: Exempt per Section 15061 (b)(1) of State CEQA Guidelines. The City Attorney's Office has already opined that the USIU CUP is fully vested, as more than 20 percent of the CUP approved campus has been developed and because the CUP is fully vested, it is not subject to CEQA review to implement any of the phases previously approved by the Planning Commission.

Fiscal Impact: None with this action.

Code Enforcement Impact: None with this action.

Housing Affordability Impact: None with this action.

**BACKGROUND:**

The subject 27-acre site is located south of Pomerado Road and west of Avenida Magnifica in the Scripps Ranch community (Attachment 2). The property is zoned R1-40000 and HR. The Scripps Miramar Ranch Community Plan designates the site as open space and a resource based park (Attachment 1). The property is within the boundary of an approved Conditional Use Permit (CUP-133PC) granted to USIU in 1967 (Attachment 3).

The 1967 CUP covered 435 acres divided into an east and west campus and allowed for 6,000 full-time or equivalent students in one or more self-contained campuses. An exhibit showing proposed future phases of development was approved and a condition of the CUP was that prior to issuance of building permits to construct any phase shown on the exhibit, a plot plan for the entire phase needed to be submitted to the Planning Commission for approval.

In May 1972, the CUP was amended (Attachment 4) with new exhibits showing relatively minor site changes including a shift of the boundary between the east and west campuses approximately 2,000 feet to the west. Additionally, the Commission reviewed and approved a phase plan for the further development of the campus, including Phases 14, 15 and 18, portions of which are now part of the property that the Friends of Chabad wish to use for the K-12 campus.

In 1978, the Planning Commission approved a two-lot parcel map. One parcel, the easterly 201 acres was deleted from the CUP and has subsequently been developed with low-density residential projects. The other parcel, the subject 27-acre site, has never been deleted from the CUP (Attachment 5).

The original 1967 CUP established a process for approval of subsequent phases of development as the University grew. Conditions 3 and 4 of the original permit (Attachment 3) and conditions 4 and 5 of the 1972 amendment (Attachment 4) describe a non-discretionary review process that closely resembles a substantial conformance review procedure with the Planning Commission making the finding as to whether or not a proposed project conforms with the approved phase plan. The Planning Director (now the Development Services Director) would then perform the final design review prior to issuance of building permits.

In February 1993, the Friends of Chabad-Lubavich San Diego, Inc. applied to the Planning Department for a determination as to whether their proposal to establish a K-12 private school plus a "Yeshiva" (a rabbinical seminary) for up to 1,000 students on the approximately 27-acre site created in 1978 was in substantial conformance with USIU's CUP. In June 1993, the Friends of Chabad were informed that their proposal was not in substantial conformance with the approved USIU Phase Plan and that the proposed use required a separate CUP and an amendment to the USIU CUP to remove the property from the CUP.

000403

Page 3

In March 1994, a revised site plan consistent with the approved phase plan was submitted with a request to find the proposal in substantial conformance with the USIU CUP. On August 8, 1994, the City Manager requested that the City Council determine whether the K-12 school use, proposed by the Friends of Chabad, was essentially the same use as the university use approved by the CUP (Attachment 6).

At that hearing, the City Council determined that the K-12 use proposed by the Friends of Chabad: "is in fact substantively the same as the University use approved by the City and that therefore no new Conditional Use Permit or amended Conditional Use Permit will be required for such proposed development and use" (Attachment 7). Additionally, the City Council instructed the City Manager to ensure that the following considerations would be used in any future finding of substantial conformance for the Friends of Chabad project:

1. The maximum student population for the K-12 school, operated by the Friend of Chabad Lubavich San Diego, Inc. ("Chabad") will be 800. The 800-student population will be deducted from the maximum 6,000-student population approved through CUP-133PC.
2. Access to 27-acre Chabad parcel shall constitute one of the four (4) approved points of access per CUP-133PC.
3. Applicant shall submit a traffic study, to the satisfaction of the City Engineer, evaluating the feasibility of alternative access from Avenida Magnifica to Chabad's 27-acre parcel. This traffic study shall evaluate the potential impacts of access from Avenida Magnifica as compared to those from Pomerado Road, assuming full utilization of CUP-133PC. This traffic study will be reviewed by the Planning Commission prior to or concurrent with the Planning Commission's review of the construction drawings for substantial conformance.
4. The construction permit drawings shall be in substantial conformance to the approved phasing plot plans (Phase 18) (see attached), as determined by the Planning Commission (Attachment 8).

#### DISCUSSION:

The City Council's action in August allows the Friends of Chabad to establish their school without getting their own CUP or amending USIU's CUP. The only remaining issue is the non-discretionary review and determination by the Planning commission about whether the proposed project is in substantial conformance with the USIU Phase Plan and consistent with the conditions of the CUP.

Since a substantial conformity finding is non discretionary, no additional nor special conditions can be placed on the development or intended use. However, the Commission is not precluded from establishing, on the record, the applicant's intended operational parameters and directing staff to use this information in

000404

Page 4

defining the limits of the use and/or development of the site. In addition, the Planning Commission should provide direction to both the applicant and staff regarding the Commission's expectations of the review and approval process for either future development of additional facilities or deviations from the plan before the Commission today.

It should be noted that the current project (plot plan) before the Planning Commission is somewhat different than that seen by the City Council on August 8, 1994 (Attachment 10). That plan reflected only minor changes in the road alignment and placement of buildings from the 1972 USIU Phase Plan. There was also an alternative access proposal which would have provided access from Avenida Magnifica through the residential neighborhood located to the east of the project site (Attachment 10, Exhibit "C"). This alternative access proposal has now been eliminated. Therefore, no traffic study, as described in the City Council memorandum above has been provided for the Planning Commission's review.

There are some differences in the present Friends of Chabad proposal and the approved USIU Phase Plan. The access road off of Pomerado Road is moved farther to the west than shown on the original phase plan. The proposed building locations and their footprints and the internal road layout also deviate somewhat from the phase plan. Neither of these points is considered to be a significant change.

The project proposes 9.5 percent site coverage (including future buildings) which is less than the 15 percent coverage allowed under the CUP. All required setbacks are being met. With respect to parking requirements, the Commission has authority to review and modify the parking ratios for the project (Attachment 4, Conditions No. 7 and 8). Staff recommends that the standard parking ratios for schools prescribed in Section 101.04102.L.1.c. and d. of the Municipal Code be used. Based on this, the Department recommends that a minimum 150 off-street parking spaces be provided based on the calculation shown on Attachment 11.

Based upon staff's review of the USIU CUP files, minutes of Planning Commission meetings, staff reports and memoranda, the purpose of the Planning Commission review of the project (plot plan) at this stage is to provide an opportunity to address any significant changes in the proposed development of a phase as it evolves from the conceptual phase plan to construction. The phase plans originally approved by the Planning Commission were wholly conceptual in their layout of specific facilities--buildings, parking lots, athletic fields, etc. The review of the "plot plan" provides the applicant an opportunity to make more detailed refinements or changes in the layout or the type of facilities before submitting working drawings for approval by staff.

With the above consideration in mind, the department recommends that the Planning Commission find the Friends of Chabad proposed plot plan in substantial conformance with the 1972 Commission-approved USIU Phase Plan.

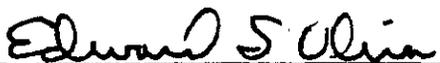
000405

Page 5

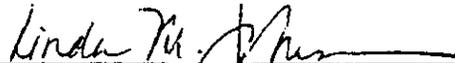
**ALTERNATIVES:**

Do not find the proposed project in conformance with the USIU Phase Plan and advise the applicant on required changes necessary to achieve conformance.

Respectfully submitted,



Edward S. Oliva, Assistant Director  
Development Services Department



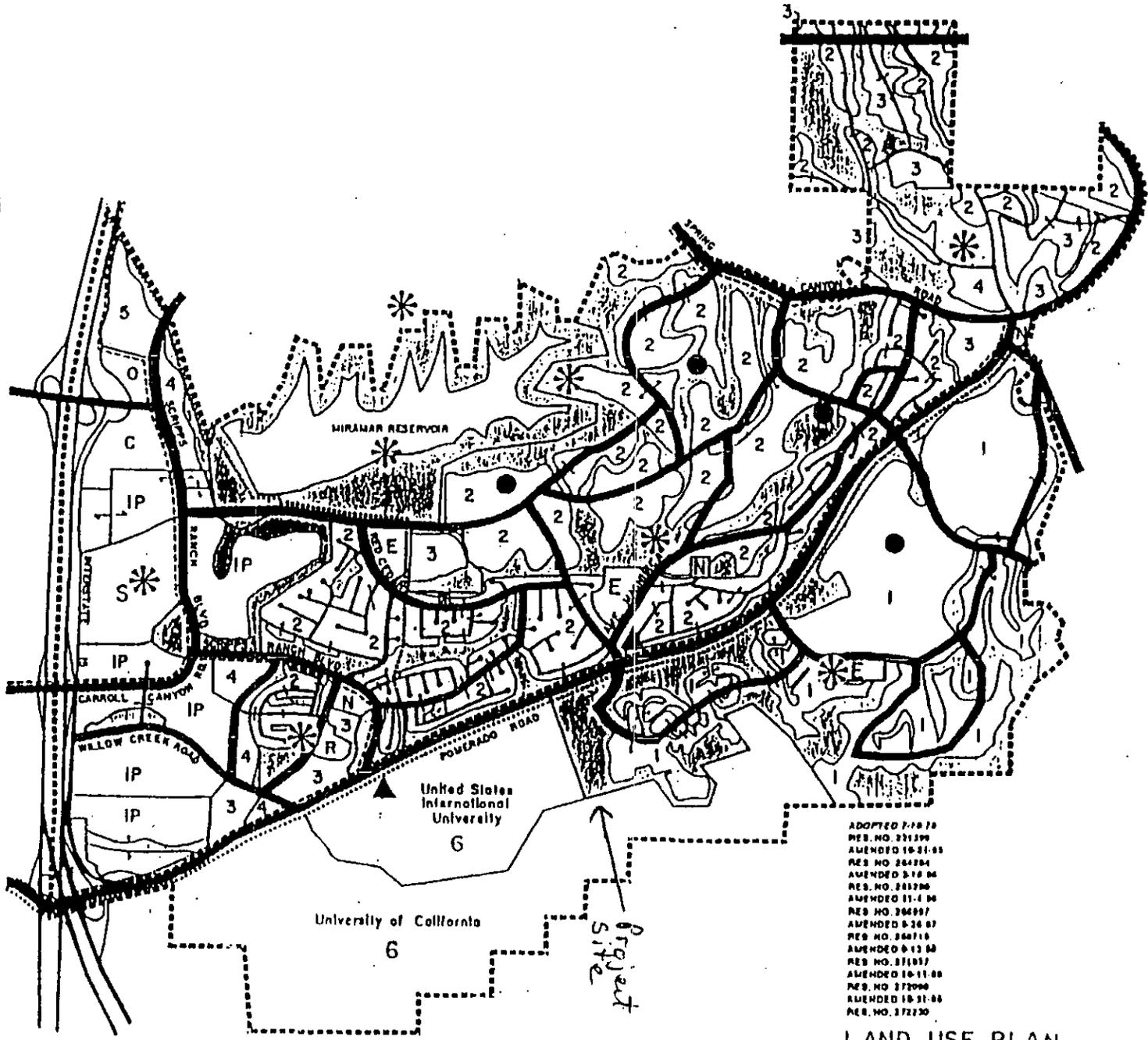
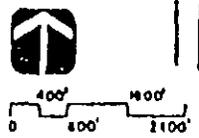
Linda M. Johnson, Principal Planner  
Development Services Department

RB:BUCKLEY:236-6511:PRPIAVLJ4344

- ATTACHMENTS:
1. Community Plan Map
  2. Project Site Plan
  3. CUP 133-PC (1967)
  4. CUP 133-PC Amendment (1972)
  5. CUP 133-PC Amendment No. 2 (1978)
  6. 1978 Parcel Map
  7. August 3, 1994 Report to City Council
  8. City Council Resolution No. R-284501
  9. August 9, 1994 Memo to the Development Services Director from the City Manager
  10. Friends of Chabad Development Proposal Presented at August 8, 1994 City Council Hearing
  11. Parking Calculation Sheet

LEGEND

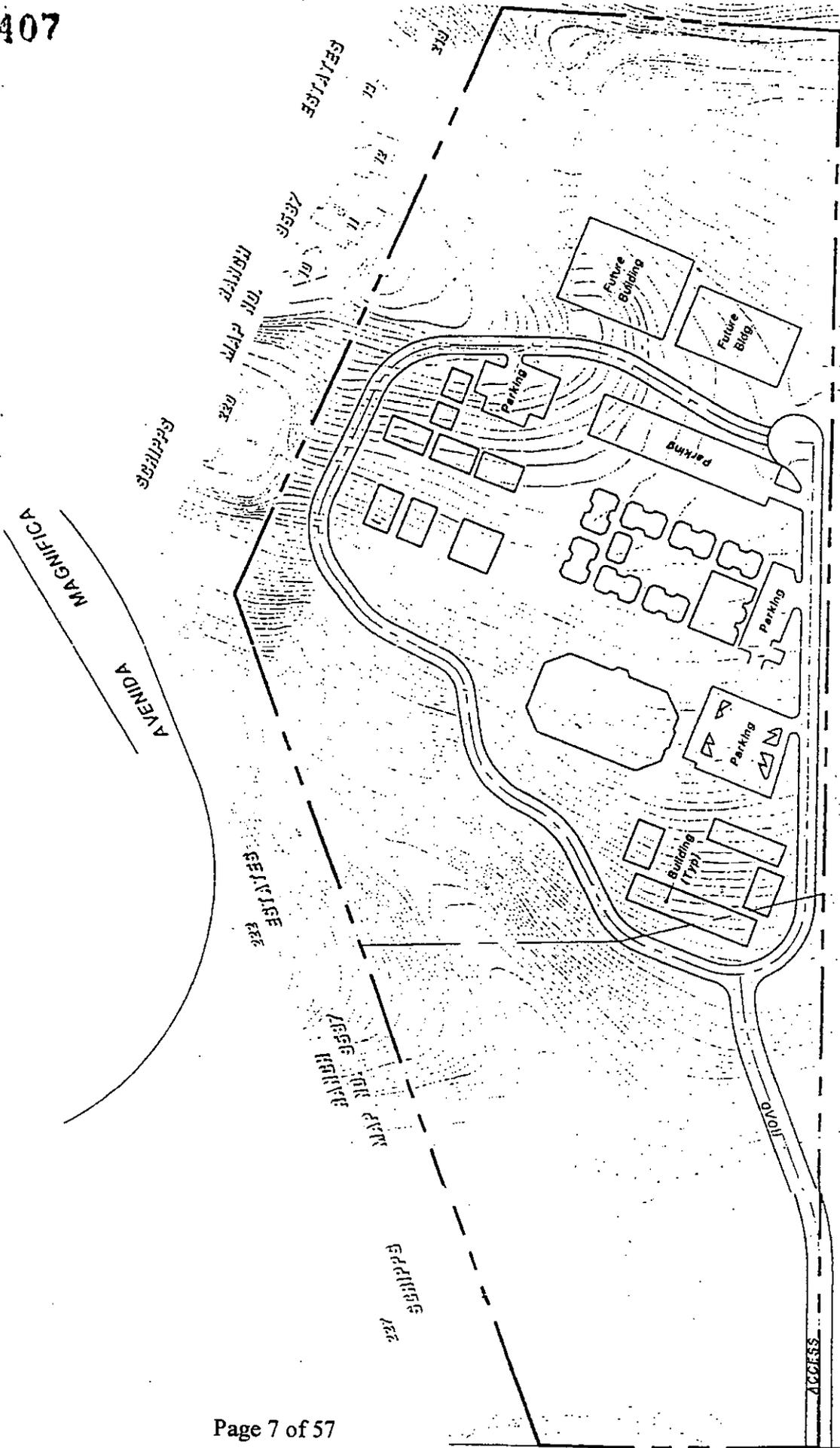
- Residential 0-30 DU/Net AC [1]
- Residential 3-50 DU/Net AC [2]
- Residential 5-100 DU/Net AC [3]
- Residential 10-150 DU/Net AC [4]
- Residential 15-250 DU/Net AC [5]
- Existing Commercial Recreation [R]
- Community Shopping [C]
- Neighborhood Shopping [N]
- Professional Offices [O]
- Industrial Park [IP]
- Park \*
- Tot Lot ●
- Open Space [OAK]
- Elementary School [E]
- Secondary School [S]
- University [6]
- Major Hiking Trail [.....]
- Bikeway [-----]
- County Boundary [—|—|—]
- Possible Fire Station Site ▲



ADOPTED 7-18-78  
 RES. NO. 231296  
 AMENDED 10-21-83  
 RES. NO. 264384  
 AMENDED 5-18-84  
 RES. NO. 281296  
 AMENDED 11-4-84  
 RES. NO. 304897  
 AMENDED 8-26-87  
 RES. NO. 344716  
 AMENDED 6-13-88  
 RES. NO. 371057  
 AMENDED 10-11-88  
 RES. NO. 372096  
 AMENDED 10-31-88  
 RES. NO. 372730

LAND USE PLAN  
 SCRIPPS MIRAMAR RANCH COMMUNITY PLAN

000407





000409

## RESOLUTION

## CONDITIONAL USE PERMIT - CASE NO. 133-PC

WHEREAS, Conditional Use Permit No. 133-PC has been considered by the Planning Commission of the City of San Diego, California, and the Planning Commission has conducted a public hearing on this request of UNITED STATES INTERNATIONAL UNIVERSITY, Owner, to construct and operate a University with related incidental uses, located on the south side of Pomerado Road, approximately one mile east of U.S. Highway 395, being a portion of Sections 3 and 4, T15S, R2W, S.B.B.M., in the Interim R-1-5 zones and *R-1-5C Interim*

WHEREAS, the Planning Commission has made the following Findings of Fact in relation thereto:

1. That the proposed use at the particular location is desirable to provide a facility which will contribute to the general well-being of the community because it will satisfy a need for additional educational facilities.
2. That such use under the circumstances of this particular case will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the conditions imposed will insure the University will be compatible with the surrounding development.
3. That the proposed use will comply with all governmental regulations and conditions specified in the Municipal Code for such use because of the conditions imposed.
4. That the granting of this conditional use will not adversely affect the master plan of the City or the adopted plan of any governmental agency because of the conditions imposed.

NOW, THEREFORE, BE IT RESOLVED, By the City Planning Commission of San Diego, California, that permission is hereby granted to UNITED STATES INTERNATIONAL UNIVERSITY, Owner, to construct and operate a University with related incidental uses at the above-mentioned location, under the following conditions:

1. The University shall be used for one or more self-contained campuses, including housing for students and faculty. The number of full-time or equivalent students on the property shall not exceed approximately 6,000 in addition to faculty and staff.
2. Prior to issuance of any building permit a tentative subdivision map shall be filed on the entire property and a final subdivision map or maps be recorded.
3. Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit "A", a plot plan for the entire phase shall be submitted to the Planning Commission for approval.
4. Prior to the issuance of any building permits, complete building plans, (including signs) shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the office of the Planning Department and the plot plan required in 3 above. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require a deviation.

CONDITIONAL USE PERMIT NO. 133-PC

PAGE 2

5. Prior to occupancy of any building in any phase as noted by number on Exhibit "A", complete landscape plans including sprinkler systems for the entire phase shall be submitted to the Planning Director for approval.

6. Building Development Standards:

A. Buildings shall not cover more than 15 per cent of the total area of the property.

B. No building shall be closer than 50 feet to any property line.

C. No parking area, playfield or other facility or structure, except fences, access roads, drainage facilities, utilities, entrance gates and identification signs, shall be closer than 20 feet to any property line.

D. No fence along or within 20 feet of any property line shall exceed 6 feet in height.

E. Access roads into the property from Pomerado Road shall not exceed four in number, and their location and the design of the intersection with Pomerado Road shall be subject to approval by the City Engineer.

F. Entrance gates and identification signs shall not exceed one each at each approved entrance to Pomerado Road, and their size and design shall be subject to approval by the Planning Director.

G. A public sewer system and a public water system shall be installed at the applicant's expense at the direction of the Utilities Director.

7. Parking Development Standards:

A. Automobile parking on the property shall be provided at a minimum ratio of 4 spaces for each 9 resident students and 1 space for each 1 non-resident student. The minimum ratio for faculty and staff shall be 1 space for each faculty and staff. The basis for determining the number of parking spaces required at any time shall depend upon the number of students enrolled and faculty-staff employed at the time of start of construction of any particular phase. The ratio for parking requirements may be reviewed and modified by the Planning Commission prior to the construction of any particular phase.

B. Parking spaces and aisles shall conform to Planning Department standards except as may be modified by the City Engineer to allow for smaller parking spaces for compact cars.

C. Required parking areas shall be provided on the subject property in the approximate locations shown on Exhibit "A".

D. Parking areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent, and each parking space shall be adequately marked including wheel stops within designated parking lots.

## 8. Street Development Standards:

A. The improved paved width of the primary circulation streets with parking lanes shall be 40 feet; of secondary streets with parking lanes, 36 feet.

B. The improved paved width of primary and secondary circulation streets and service roads without parking lanes shall be as determined by the City Engineer.

C. The type of improvements shall be determined by the City Engineer.

D. A primary street from Pomerado Road shall be installed within three years of the effective date of this permit.

E. A primary or secondary street shall be installed to provide street frontage for each phase prior to occupancy of any building constructed in that phase.

9. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

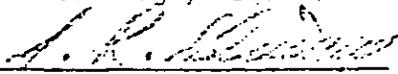
10. Construction and operation of the proposed use shall comply at all times with the regulations and requirements of this and other governmental agencies.

If any condition of this grant is violated, or if the same be not complied with in every respect, this conditional use permit shall be subject to revocation; provided, however, that within ten days after being notified in writing by the City that a condition has been violated and that subject conditional use permit is null and void an appeal may be filed with the Planning Commission to show cause why subject permit should be reinstated.

That permission granted by this Conditional Use Permit shall become effective and final on the eleventh day after it is filed in the Office of the City Clerk, unless a written appeal is filed within ten (10) days after such filing in the Office of the City Clerk.

Any Conditional Use Permit, or extension of time, granted by the City shall be null and void, and shall be revoked automatically one year after its effective date, unless the use and/or construction permitted is commenced before said time expires, in accordance with Municipal Code Section 101.0506.

CITY PLANNING COMMISSION  
City of San Diego, California

By   
J.R. Quivey, Senior Planner

DATE: March 15, 1967

FILED IN OFFICE OF CITY CLERK

March 16, 1967

RIGHT OF APPEAL EXPIRES 10 DAYS AFTER ABOVE DATE.

## PART 2 - EXHIBIT "A"

ESTIMATED CAPACITY OF PROJECTED FACILITIESUNITED STATES INTERNATIONAL UNIVERSITYCAMP ELLIOTT CAMPUSWest Portion of Campus

- Phase 1. Women's Physical Education facilities to accommodate from 1,000 to 1,500 students (gymnasium, playing fields, tennis courts).
2. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pools, etc.
3. Administration facilities to accommodate a staff of 50 persons.
4. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, and related facilities.)
5. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,050 students and related faculty offices.
6. Classroom facilities to accommodate from 300 to 400 students with related faculty offices.
7. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
8. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
9. Chapel to accommodate 1,000 persons.
10. Dining Hall and Student Commons to accommodate the needs of a student body of 3,000.
11. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
12. Auditorium to accommodate 1,200 persons.
13. Maintenance and shop facilities to serve a campus of 3,000 students.
14. Residence Halls to accommodate 1,250 persons with related facilities including lounge and pool, etc.
15. Men's Physical Education field house to accommodate up to 3,000 students together with playing fields and related outdoor facilities for 1,500 students.

000413

-2-

East Portion of Campus

- Phase 16. Men's Physical Education playing field and related outdoor facilities for 1,500 students.
17. Women's Physical Education facilities to accommodate 1,500 students (gymnasium, playing field and related facilities).
18. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pool, etc.
19. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,000 students and related faculty offices.
20. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, etc.)
21. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
22. Student Commons and Dining Hall facilities to accommodate 3,000 students.
23. Chapel to accommodate 800 persons.
24. Classroom facilities to accommodate from 1,500 to 2,000 students with related faculty offices.
25. Maintenance facilities and shop to serve campus of 3,000 students.
26. Research center with research laboratories, offices and library to accommodate a staff of 100 persons.
27. Administration facilities to accommodate a staff of 50 persons.
28. Residence Halls to accommodate 600 persons with related facilities including lounges and pool, etc.
29. Residence Halls to accommodate 650 persons with related facilities including lounges and pool, etc.
30. Educational training center with facilities to accommodate 300 students.
31. Married student housing to provide residences for 300 married students and their families.
32. Faculty housing to provide residential accommodations for 50 families.

000414

DOCUMENT NO. 133-PC/AMENDMENT

FILED OCT 16 1972 Page 1 of 12

OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIAFINDINGS OF FACT  
RESOLUTION NO. 133-PC/AMENDMENT

1972 OCT 17 PM 2:19

SAN DIEGO, CALIF.

City Planning Dept.  
OCT 17 1972  
RECEIVED

WHEREAS, UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee", filed an application for a Conditional Use Permit Amendment to construct and operate a University with related incidental uses, located south of Pomerado Road, east of State Highway 163, more particularly described as U. S. International University, Map No. 5960, on file in the Office of the County Recorder, in the R-1-5 and R-1-40 Interim zones.

WHEREAS, the Planning Commission of The City of San Diego considered Case No. 133-PC/Amendment pursuant to Section 101.0506 et sequitur of the Municipal Code of The City of San Diego and granted a Conditional Use Permit Amendment under date of May 31, 1972, and filed the same in the Office of the City Clerk on June 16, 1972 to "Owner/Permittee" to construct and operate a University subject to terms and conditions as set out in said Conditional Use Permit Amendment; NOW, THEREFORE,

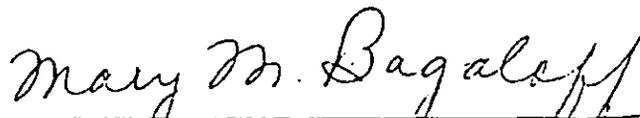
BE IT RESOLVED, by the Planning Commission of The City of San Diego, as follows:

That all of the following facts exist with respect to the issuance of a Conditional Use Permit Amendment in favor of "Owner/Permittee":

1. That the proposed use at the particular location is necessary to provide a facility which will contribute to the general wellbeing of the community.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
3. That the proposed use will comply with the regulations and conditions specified in the Code for such use.
4. That the granting of this Conditional Use Permit will not adversely affect the Master Plan of the City or the adopted plan of any governmental agency.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the Planning Commission does hereby grant to "Owner/Permittee" a Conditional Use Permit Amendment in the form and with the terms and conditions as set forth in Conditional Use Permit No. 133-PC Amendment, attached hereto and made a part hereof.



Mary M. Bagaloff, Secretary of the  
Planning Commission

000415

Page 2 of 12

## CONDITIONAL USE PERMIT - PLANNING COMMISSION

CASE NO. 133-PC/AMENDMENT

RECEIVED  
 1972 OCT 13 PM 2:10  
 SAN DIEGO, CALIF.

This Conditional Use Permit Amendment is granted by the City Planning Commission of The City of San Diego to UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee", for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 et sequitur of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a University with related incidental uses, located south of Pomerado Road, east of State Highway 163, more particularly described as U. S. International University, Map No. 5960, on file in the Office of the County Recorder in the R-1-5 and R-1-40 Interim zones.
2. The University shall include, and the term "Project" as used in this Conditional Use Permit Amendment shall mean, the total of the following facilities:
  - a. Academic facilities for a 6000 student university.
  - b. Housing for students and faculty.
  - c. Offstreet parking.
  - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. The University shall be used for one or more self-contained campuses, including housing for students and faculty. The number of full-time or equivalent students on the property shall not exceed approximately 6000 in addition to faculty and staff.
4. Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit "A", a plot plan for the entire phase shall be submitted to the Planning Commission for approval.
5. Prior to the issuance of any building permits, complete building plans, including signs, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the Office of the Planning Department and the plot plan required in No. 4 above. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require a deviation.
6. Prior to occupancy of any building in any phase as noted by number on Exhibit "A", complete landscape plans, including sprinkler systems for the entire phase, shall be submitted to the Planning Director for approval.
7. Building Development Standards:
  - A. Buildings shall not cover more than 15 per cent of the total area of the property.
  - B. No building shall be closer than 50 feet to any property line, except that a 100-foot setback adjacent to Pomerado Road shall be maintained with no buildings or structures permitted within said setback.

000416

CUP 133-PC/Amend.

- C. No parking area, playfield or other facility or structure, except fences, access roads, drainage facilities, utilities, entrance gates and identification signs, shall be closer than 20 feet to any property line.
  - D. No fence along or within 20 feet of any property line shall exceed six feet in height.
  - E. Access roads into the property from Pomerado Road shall not exceed four in number and their location and the design of the intersection with Pomerado Road shall be subject to approval by the Community Development Director.
  - F. Entrance gates and identification signs shall not exceed one each at each approved entrance to Pomerado Road; and their size and design shall be subject to approval by the Planning Director.
  - G. A public sewer system and a public water system shall be installed at the applicant's expense at the direction of the Utilities Director.
8. Parking Development Standards:
- A. Automobile parking on the property shall be provided at a minimum ratio of four spaces for each nine resident students and one space for each one non-resident student. The minimum ratio for faculty and staff shall be one space for each faculty and staff. The basis for determining the number of parking spaces required at any time shall depend upon the number of students enrolled and faculty-staff employed at the time of start of construction of any particular phase. The ratio for parking requirements may be reviewed and modified by the Planning Commission prior to the construction of any particular phase.
  - B. Parking spaces and aisles shall conform to Planning Department standards except as may be modified by the Community Development Director to allow for smaller parking spaces for compact cars.
  - C. Required parking areas shall be provided on the subject property in the approximate locations shown on Exhibit "A".
  - D. Parking areas and driveways shall be surfaced with not less than 2-inch A.C. or its equivalent, and each parking space shall be adequately marked, including wheel stops within designated parking lots.
  - E. No charge shall be made at any time for the use of these offstreet parking spaces.
9. Street Development Standards:
- A. The improved paved width of the primary circulation streets with parking lanes shall be 40 feet; of secondary streets with parking lanes, 36 feet.
  - B. The improved paved width of primary and secondary circulation streets and service roads without parking lanes shall be as determined by the

000417.

CUP 133-PC/Amend.

Community Development Director.

- C. The type of improvements shall be determined by the Community Development Director.
  - D. A primary street from Pomerado Road shall be installed within three years of the effective date of this permit.
  - E. A primary or secondary street shall be installed to provide street frontage for each phase prior to occupancy of any building constructed in that phase.
10. The phases of construction for the University are delineated in Appendix "A" hereto attached and made a part hereof.
11. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission of The City of San Diego on May 31, 1972.

000418

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee"

By William C. Kent  
Authorized Signator

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

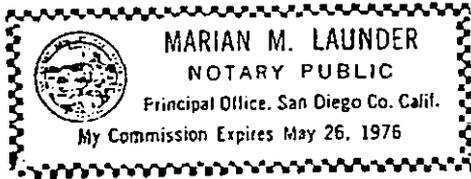
On this 25<sup>th</sup> day of August, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_

William C. Kent, of UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, the corporation that executed the within instrument and known to me to be the person who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

Marian M. Launder  
Notary Public in and for said County and State

NOTARY STAMP





000420

## GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" (dated May 31, 1972), on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated May 31, 1972), on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This conditional use permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the conditional use permit within an 18-month period will automatically void the same. This conditional use permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 or 101.0507 and 101.0508 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This conditional use permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.
7. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:
  - a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the Planning Commission granted this conditional use permit.
  - b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

000421

Page 6 of 12

9. The project included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

11. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

000422

## CONDITIONAL USE PERMIT NO. 133-PC

## APPENDIX "A"

ESTIMATED CAPACITY OF PROJECTED FACILITIESUNITED STATES INTERNATIONAL UNIVERSITYCAMP ELLIOTT CAMPUSWest Portion of Campus

- Phase
1. Women's Physical Education facilities to accommodate from 1,500 students (gymnasium, playing fields, tennis courts).
  2. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pools, etc.
  3. Administration facilities to accommodate a staff of 50 persons.
  4. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, and related facilities).
  5. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,050 students and related faculty offices.
  6. Classroom facilities to accommodate from 300 to 400 students with related faculty offices.
  7. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
  8. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
  9. Chapel to accommodate 1,000 persons.
  10. Dining Hall and Student Commons to accommodate the needs of a student body of 3,000.
  11. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
  12. Auditorium (cultural education center) to accommodate a maximum of 2,100 persons.

13. Parking and maintenance and shop facilities.
14.
  - A. Academic facility (D) consisting of classroom, faculty offices, student study areas and other related facilities.
  - B. Academic facility (C) consisting of lecture hall, classroom and related academic facilities.
  - C. Academic facility (B) consisting of classrooms, faculty offices, student study areas and other related facilities.
  - D. Academic facility consisting of classrooms, faculty offices, student study areas and other related facilities; parking.
  - E. Academic facility (E) consisting of classrooms, faculty offices and student study areas and other related facilities.
  - F. Multi-purpose building, including center functions; academic facility consisting of classroom, faculty offices, student study areas and other related facilities.
  - G. Physical education field house (gymnasium) and physical education playfield.
  - H. Academic facility (A) consisting of classroom, faculty offices, student study areas and other related facilities.
  - I. Residence halls, capacity approximately 1,000.
  - J. Amphitheatre.
  - K. Parking.
15.
  - A. Physical education playfield, permanent and temporary parking.
  - B. Academic facility consisting of extended learning facility, including lecture halls, classrooms, faculty offices and related academic facilities; parking.
18.
  - A. Parking
  - B. Academic facility consisting of classroom, faculty offices, student study areas and other related facilities.
  - C. Academic facility consisting of school of law.

- D. Academic facility consisting of classroom, faculty offices, student study areas and other related facilities.
- E. Parking facilities.
- F. Multi-purpose building including faculty and student center facilities.

East Portion of Campus

- 16. Men's Physical Education playing field and related outdoor facilities for 1,500 students.
- 17. Women's Physical Education facilities to accommodate 1,500 students (gymnasium, playing field and related facilities).
- 19. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,000 students and related faculty offices.
- 20. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, etc.)
- 21. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related facility.
- 22. Student Commons and Dining Hall facilities to accommodate 3,000 students.
- 23. Chapel to accommodate 800 persons.
- 24. Classroom facilities to accommodate from 1,500 to 2,000 students with related faculty offices.
- 25. Maintenance facilities and shop to serve campus of 3,000 students.
- 26. Research center with research laboratories, offices and library to accommodate a staff of 100 persons.
- 27. Administration facilities to accommodate a staff of 50 persons.
- 28. Residence Halls to accommodate 600 persons with related facilities including lounges and pool, etc.
- 29. Residence Halls to accommodate 650 persons with related facilities including lounges and pool, etc.
- 30. Educational training center with facilities to accommodate 300 students.

000425

31. Married student housing to provide residences for 300 married students and their families.
32. Faculty housing to provide residential accommodations for 50 families.

000426

Page 1 of 5

CONDITIONAL USE PERMIT NO. 133-PC/AMENDMENT NO. 2  
 PLANNING COMMISSION

This Conditional Use Permit Amendment is granted by the Planning Commission of The City of San Diego to UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506, et sequitur, of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to maintain and operate a University with related incidental uses, located south of Pomerado Road, east of State Highway 163, more particularly described as Lot 1 and a portion of Lot 2, U. S. International University, Map No. 5960, on file in the Office of the County Recorder, in the R-1-40 Zone.

Condition No. 10 is hereby amended to delete all references to the east portion of the campus, *described on Exhibit "A," dated June 15, 1978.* (11.5. 5/21-78)

Passed and adopted by the Planning Commission of The City of San Diego on June 15, 1978.

COPY

000427

Page 2 of 5

## GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated June 15, 1978, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
2. Prior to the issuance of any building permits a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" dated June 15, 1978, the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This Conditional Use Permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the Conditional Use Permit within an 18-month period will automatically void the same. This Conditional Use Permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 and 101.0507 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This Conditional Use Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.
7. The effectiveness of this Conditional Use Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:
  - a. Permittee shall have agreed to each and every condition hereof by having this Conditional Use Permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in Condition No. 4 above i.e., the time commences to run on the date that the Planning Commission granted this Conditional Use Permit.

000428

(Gen. Cond's CUP's)

Page 3 of 5

- b. This Conditional Use Permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.
9. The project included within this Conditional Use Permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the Permit shall have been revoked by The City of San Diego.
10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this Permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Conditional Use Permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506 or 101.0507. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.1506 or 101.0507.
11. This Conditional Use Permit shall inure to the benefits of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

May, 1974

000429

AUTHENTICATED BY:

*F. R. Knostman*  
F. R. Knostman, Senior Planner  
Planning Department

*Charlotte L. Hunter*  
Charlotte L. Hunter, Secretary of the  
Planning Commission

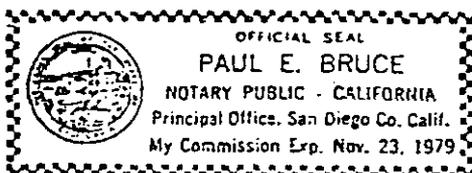
STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On this 22ND day of JUNE, 1978, before me, the under-  
signed, a Notary Public in and for said County and State, personally appeared  
F. R. KNOTSMAN, known to me to be Senior Planner of The City of  
San Diego Planning Department, and CHARLOTTE L. HUNTER, known to me to be the  
Secretary of the Planning Commission of The City of San Diego and known to me to  
be the persons whose names are subscribed to the within instrument and acknowledged  
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County  
of San Diego, State of California, the day and year in this certificate first  
above written.

*Paul E. Bruce*  
Notary Public in and for the County of  
San Diego, State of California

NOTARY STAMP



000430

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

UNITED STATES INTERNATIONAL UNIVERSITY  
A California Corporation, "Owner/Permittee"

By \_\_\_\_\_  
Authorized Signator

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\_\_\_\_\_  
Name (Typed or Printed)

NOTARY SEAL

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\_\_\_\_\_  
Name (Typed or Printed)

NOTARY SEAL

(Corporation)

(Corporation)

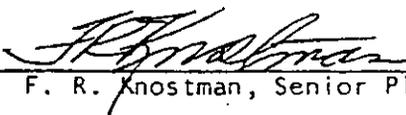
000431

PLANNING COMMISSION RESOLUTION NO. 1359

BE IT RESOLVED by the Planning Commission of The City of San Diego as follows:

That, based on the information presented to this Commission, it is hereby certified that the information contained in the Environmental Negative Declaration on file in the office of the City Clerk as E.Q.D. No. 78-02-01 has been completed in compliance with the California Environmental Quality Act of 1970 and the State Guidelines thereto, and that said Environmental Impact Report has been reviewed and considered.

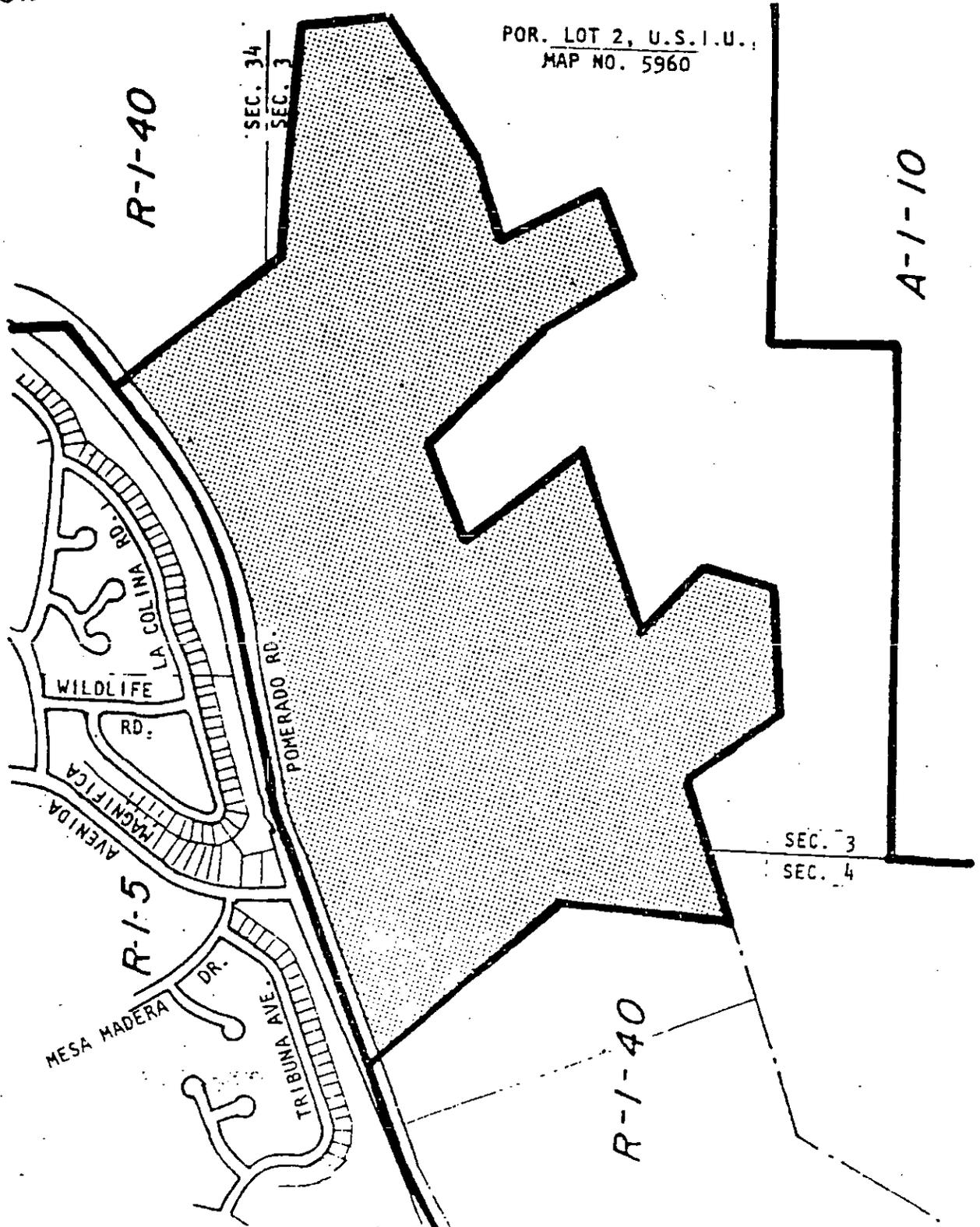
  
 Charlotte L. Hunter, Secretary of the  
 Planning Commission

  
 F. R. Knostman, Senior Planner

Adopted June 15, 1978 by a vote of 4 to 0.

(Case No. CUP No. 133-PC/Am. # 2.)

POR. LOT 2, U.S.I.U.  
MAP NO. 5960



A CUP AMENDMENT TO REMOVE (DELETE) THE EASTERLY 200 ACRES FROM A 435 ACRE SITE UTILIZED FOR A UNIVER... COMPLEX IN THE R-1-40 ZONE.

# CUP 133 PC/AM#1

## AREA 200 ACRES

000433



The City of San Diego

# MANAGER'S REPORT

DATE ISSUED: August 3, 1994 REPORT NO. 94-225

ATTENTION: Honorable Mayor and City Councilmembers  
Agenda of August 8, 1994.

SUBJECT: REQUEST FOR CITY COUNCIL DETERMINATION AS TO  
WHETHER A K-12 PRIVATE SCHOOL IS AN EQUIVALENT USE  
TO A UNIVERSITY.

REFERENCE: San Diego Municipal Code Sections: 101.0510C.1 k and v.

**SUMMARY:**

Issue(s): Should the City Council determine that a proposed K-12 private school use is essentially the same use as the university use approved under the United States International University, Conditional Use Permit?

Planning Commission Recommendation: This matter has not been heard by the Planning Commission.

Manager's Recommendation: Determine that a K-12 private school is an equivalent use to the university use approved under the Conditional Use Permit for United States International University.

Community Planning Group Recommendation: The Scripps Miramar Community Planning Group voted on July 5, 1994 to support a finding of substantial conformance subject to specific conditions (Attachment 3). (These conditions cannot be met or imposed by the City if the City Council determines that the K-12 school use is the same as the university under the USIU CUP).

Environmental Impact: Exempt per Section 15061(b)(1) of State CEQA Guidelines.

Fiscal Impact: The cost associated with consideration of this issue is being paid for through the General Fund.

Code Enforcement Impact: None with this action.

Housing Affordability Impact: None with this action.

000434

Page 2

**BACKGROUND:**

The subject 27-acre site is located south of Pomerado Road and west of Avenida Magnifica in Scripps Ranch. The property is zoned R1-40000 and HR. The Scripps Miramar Ranch Community Plan designates the site as open space and a resource based park.

In March 1967, the Planning Commission approved CUP-133PC which established USIU at its present location in Scripps Ranch on 435 acres divided into an east and west campus. The university was approved for 6,000 full time or equivalent students in one or more self-contained campuses. An exhibit showing proposed future phases of development was approved and a condition of the CUP was that prior to issuance of building permits to construct any phase shown on the exhibit, a plot plan for the entire phase needed to be submitted to the Planning Commission for approval.

In May 1972, the CUP was amended with new exhibits showing relatively minor site changes and the shifting of the boundary between the east and west campuses approximately 2,000 feet to the west. Additionally, the Commission reviewed and approved the plot plans for the development of several phases of the campus including Phase 18 which is the property that the Friends of Chabad now wish to use for the K-12 campus. This phase was intended to be a law school with supporting academic and faculty buildings and parking.

In 1978, the Planning Commission approved a two-lot parcel map and separated the easterly 201 acres from the rest of the campus and deleted the area from the CUP. This easterly portion of the campus has subsequently been developed with low-density residential projects. The subject 27-acre site of interest to the Friends of Chabad was the second parcel created at that time.

In 1992, the Planning Commission approved a tentative map to split the 160.5-acre campus into two parcels of 103.5 and 57 acres. This action did not require an amendment to the CUP.

In February 1993, the Friends of Chabad-Lubavich San Diego, Inc. applied to the Planning Department for a determination as to whether their proposal to establish a K-12 private school plus a "Yeshiva" (a rabbinical seminary) for up to 1,000 students on the approximately 27 acre site created in 1978 was in substantial conformance with USIU's CUP. In June of 1993, the Friends of Chabad were informed by the Planning Department that their proposal was not in substantial conformance and required a separate CUP and an amendment to the USIU CUP to remove the property from the USIU CUP. This decision was based in part on a proposed site plan which did not conform to the adopted plan.

In March 1994, a revised site plan was submitted consistent with the previous development proposal by USIU with a request to find the proposal in substantial conformance with the USIU CUP. The City Manager requests that the City Council focus on the issue as to whether the K-12 school use, proposed by Friends of Chabad, is essentially the same use as the university use approved by the CUP.

000435

Page 3

The City Attorney's Office has opined that the USIU CUP is fully vested as more than 20 percent of the CUP approved campus has been developed and because the CUP is fully vested it is also not subject to additional CEQA review to implement any of the phases previously approved by the Planning Commission.

**DISCUSSION:**

The CUP section of the Municipal Code (101.0510) state that a CUP is required for "educational institutions, other than child care facilities and elementary schools." The position of the Friends of Chabad is that if they duplicate the law school facilities originally proposed for the site by USIU for their use as a K-12 private school, then they should be allowed to operate under the conditions of the USIU CUP, as the Municipal Code makes no differentiation between high schools or universities. If a determination is made that the K-12 school use is equivalent to the university use permitted under the USIU CUP, the Friends of Chabad would not be required to have any part of their campus development subject to discretionary review and the proposed campus layout would be compared to USIU's existing CUP plans. Unless there is a significant deviation, the Friends of Chabad could then obtain building permits. Although the Planning Commission would review the site plans, this would not be a discretionary hearing.

As long as the Friends of Chabad site plan is in substantial conformance with USIU's approved site plans, the proposed grading would be assumed to be consistent with the previously approved project, and the issuance of a grading permit would not require CEQA review. Additional traffic studies, likewise, would not be required, and no new conditions of approval would be added. Some of these items are specifically addressed as matters of concern in the July 15, 1994 letter from the Scripps Ranch Planning Group.

The City Manager requests that the City Council determine that the K-12 school operations are the same as permitted under the USIU CUP; and that Friends of Chabad be entitled to establish and operate their school under the CUP if it substantially conforms in its physical layout to the CUP conditions.

**ALTERNATIVES:**

1. Determine that the K-12 private school is not essentially the same use as the university approved under the USIU CUP; and direct the Friends of Chabad to file for and process their own CUP.

Respectfully submitted,



Approved:  
Jack McGrory  
City Manager

TTS:STORY:PRP:avl:2953

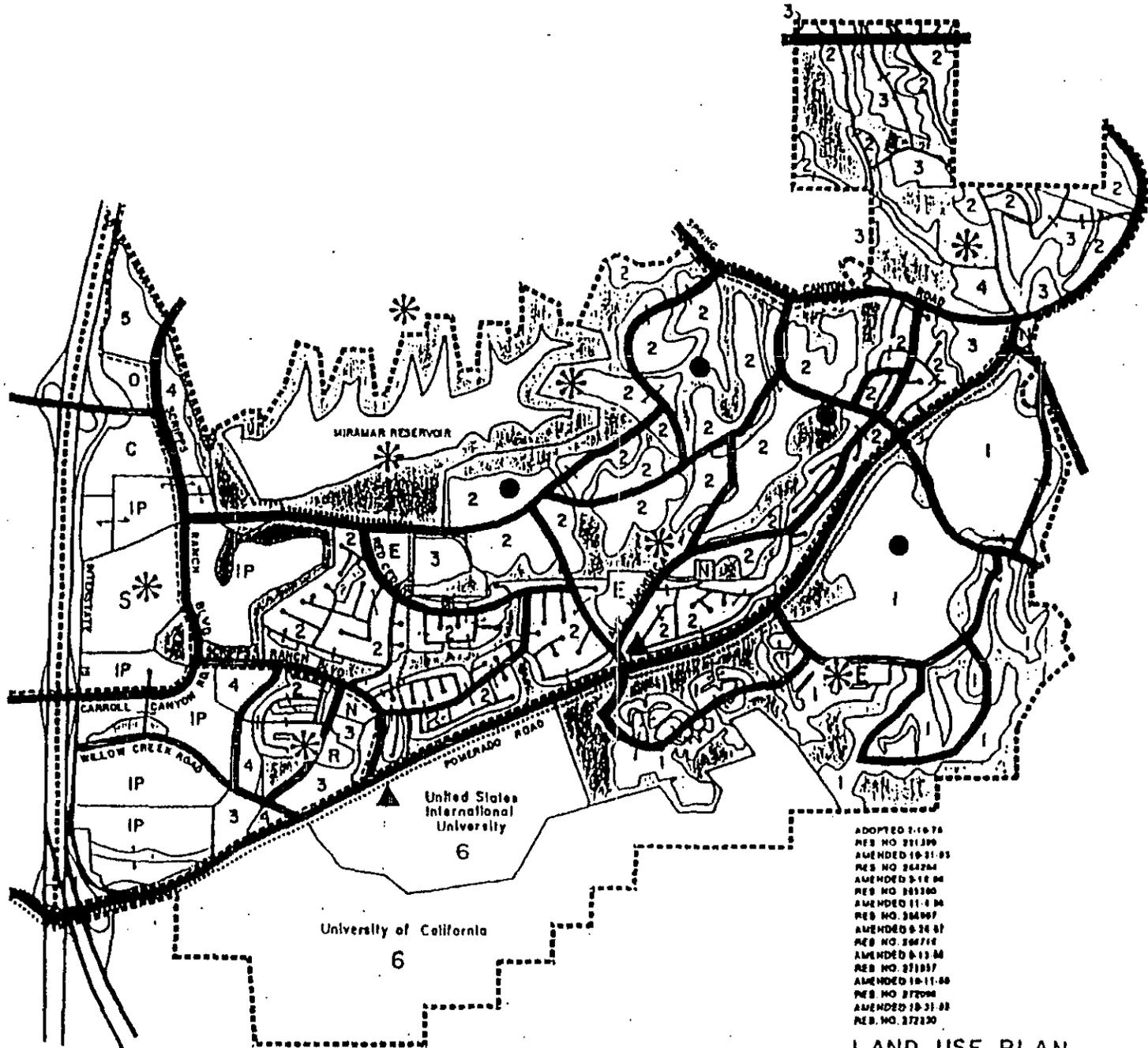
000436

Page 4

- ATTACHMENTS:
1. Project Location Map
  2. Site Plan
  3. July 15, 1994 Letter from the Scripps Ranch Planning Group

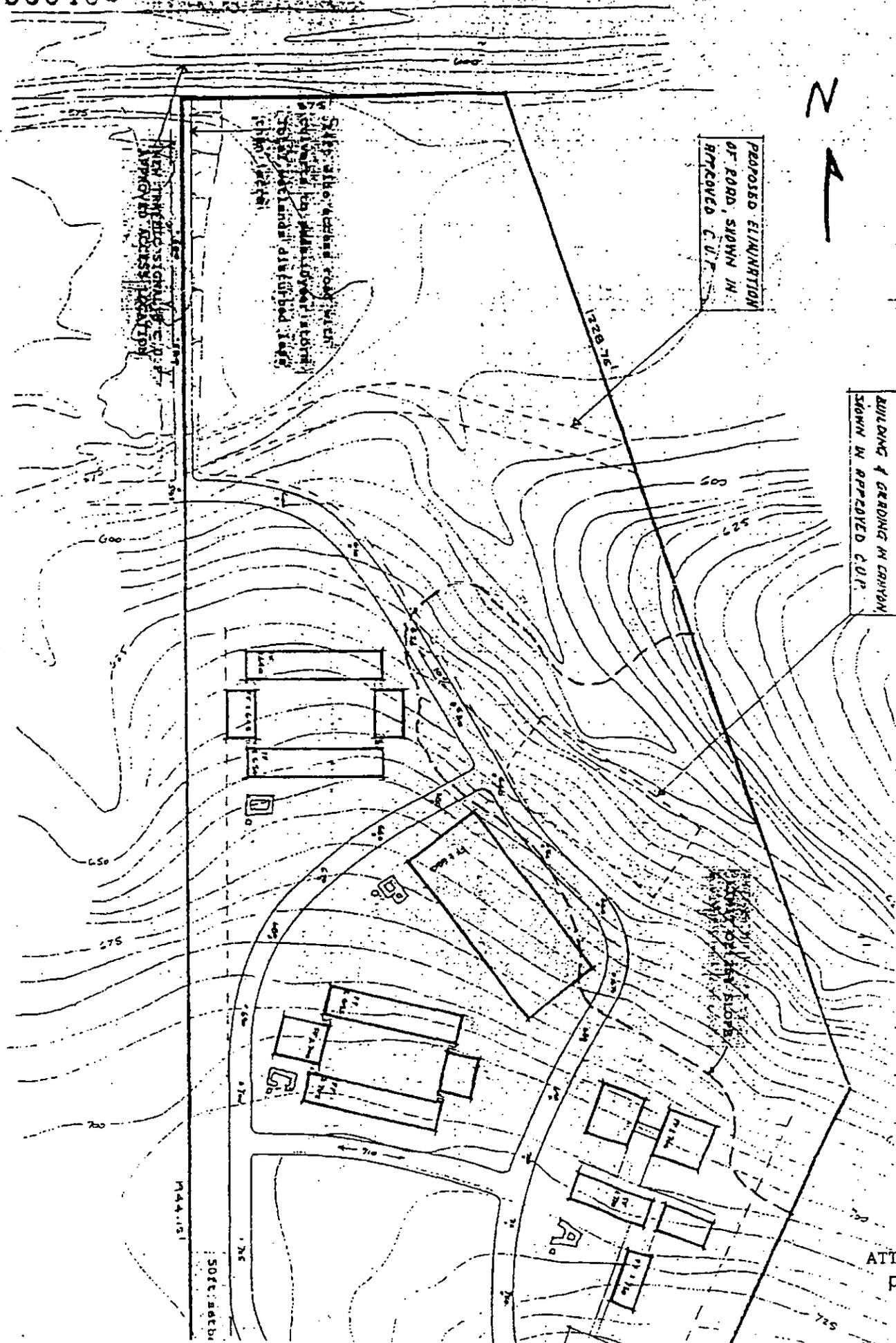
LEGEND

- Residential 0-3 DU/Net AC [1]
- Residential 3-5 DU/Net AC [2]
- Residential 5-10 DU/Net AC [3]
- Residential 10-15 DU/Net AC [4]
- Residential 15-29 DU/Net AC [5]
- Existing Commercial Recreation [R]
- Community Shopping [C]
- Neighborhood Shopping [N]
- Professional Offices [O]
- Industrial Park [IP]
- Park [\*]
- Tot Lot [●]
- Open Space [O.S.]
- Elementary School [E]
- Secondary School [S]
- University [U]
- Major Hiking Trail [.....]
- Bikeway [-----]
- County Boundary [---]
- Possible Fire Station Site [▲]



ADOPTED 5-19-78  
 RES. NO. 251,396  
 AMENDED 10-31-85  
 RES. NO. 264,264  
 AMENDED 5-18-84  
 RES. NO. 263,200  
 AMENDED 11-4-84  
 RES. NO. 264,907  
 AMENDED 6-24-87  
 RES. NO. 266,716  
 AMENDED 6-13-88  
 RES. NO. 271,897  
 AMENDED 10-11-88  
 RES. NO. 272,004  
 AMENDED 10-31-88  
 RES. NO. 272,230

LAND USE PLAN  
 SCRIPPS MIRAMAR RANCH COMMUNITY PLAN



Friends of Chabad K-12 School

000439

## SCRIPPS RANCH PLANNING GROUP

---

July 15, 1994

Mr. Ron Buckley  
 City of San Diego Planning Department  
 202 "C" Street, Mail Station 501  
 San Diego, CA 92101

Re: Proposal to establish a private K-12 school and Yeshiva (Chabad) on a parcel, formerly a portion of the USIU campus, Scripps Ranch community

Dear Mr. Buckley:

The Scripps Ranch Planning Group Board received a presentation from Chabad representatives at its regular meeting on July 5, 1994. Based on this presentation and discussion, the Board made a recommendation to the City regarding the applicant's request for a finding of substantial conformance with the existing "USIU" conditional use permit. The purpose of this letter is to convey to the City this Board action.

The Planning Group has a specific understanding of the circumstances surrounding this proposal. The action outlined below is based on this understanding. If circumstances and conditions are different, the following Board action may be void; please notify us immediately if this is the case. We understand that the "USIU" use permit remains in effect, and continues to apply to all parcels, including the parcel proposed by Chabad for its uses. The use permit defines an allowance for the type of use and establishes a total intensity of use, beyond which development may not exceed. We understand that the total intensity of use is limited by student enrollment, which we have heard is a total 6,000 students maximum; although the defined limits of use may be defined differently. We understand that a mandatory process for reviewing detailed phases of development is established by the use permit: Each phase of development must be approved by the Planning Commission to confirm continued compliance with the use permit, and as a detailed "site plan review." We understand that there is an allowance for a maximum of four driveway accesses to Pomerado Road for all uses and operations under the use permit. The existing main USIU entrance is one of these. Another, an access shown on previous use permit plans at the westerly boundary of the Chabad property, would provide direct access for uses on the Chabad site, but may also be claimed for direct access to the adjacent parcel.

We understand the Chabad proposal as follows: to establish and operate an accredited K-12 private school with a student enrollment not to exceed 1,000 students, and a Yeshiva (Jewish religious training facility) not to exceed 25 students (this 25 as part of the 1,000 student maximum). Enrollment within the next few years is not expected exceed approximately 500, but ultimately and for purposes of planning/zoning approval through the use permit, a maximum of 1,000 students is requested for approval. There is to be no on-site housing. State accreditation for the K-12 school will require certain on-site facilities, including a play/recreation field, but no outdoor play/recreation areas will require night lighting. As an alternative to the driveway access connection to Pomerado Road shown on the existing CUP, Chabad is willing to create a driveway

ATTACHMENT 3

---

10691 Rookwood Drive San Diego, CA 92131

page 7 of 9

000440

## SCRIPPS RANCH PLANNING GROUP

---

July 15, 1994  
 Mr. Ron Buckley  
 Page Two

connection easterly to Avenida Magnifica. This would be through property owned as open space by the Crown Point Homeowners Association, and we understand their approval for this access must be obtained. No other uses or operations are proposed.

We understand the Chabad project is subject to environmental review under CEQA, triggered by the required grading permit. The scope of issues subject to this CEQA review may be limited, however, to the grading aspects of development. It is not clear to the Planning Group whether CEQA review will apply to the "site plan" review by the Planning Commission under the existing use permit. In any case, whether part of CEQA review or as part of the "site plan" review and approval by the Planning Commission, the City may require traffic studies on the Chabad project, and may approve or deny the project on the basis of the results of the traffic studies.

### Scripps Ranch Planning Group Position

The Planning Group understands that the City may need to consider a number of issues, some technical and legal, in determining whether the Chabad project can be found to be in substantial conformance with the existing use permit. Notwithstanding these issues, and based on the above understanding and following substantial discussion at our July 5, 1994 meeting, the Scripps Ranch Planning Group Board voted to support a finding of substantial conformance, subject to the following specific conditions:

1. The combined ultimate development of all uses on all parcels under the existing use permit, irrespective of the operators (USIU, Chabad, and/or others), shall not exceed the limitations of use currently established under the existing use permit (i.e., approval of the Chabad project shall entail no net increase of the extent or intensity of use and development now permitted under the use permit). The City's approval of the Chabad project shall include an explicit description of the maximum allowed use on the Chabad site, defined by maximum K-12 student enrollment and maximum Yeshiva enrollment, and other appropriate parameters. To the extent of approval of the Chabad proposal, the combination of all other uses and development permitted under the existing use permit shall be reduced proportionally for the balance of the USIU property. The maximum of all other uses and development should also be explicitly described. (Chabad, USIU and other property interests may confer and agree on each interest's proportional share of the total use permit development allowance, subject to final determination by the City.)

Please also consider that the Planning Group's discussion expressed concern to the Chabad representatives that their facilities be developed and operated in a manner that does not adversely affect the nearby Crown Point residences.

2. The project proponent (Chabad) shall work with the Scripps Ranch Planning Group to select the most appropriate access route to the site. The allowance for access of development on

000441

## SCRIPPS RANCH PLANNING GROUP

---

July 15, 1994  
 Mr. Ron Buckley  
 Page Three

the Chabad site to Avenida Magnifica shall be a subject of the City Planning Commission's discretionary "site plan review" of the Chabad project as a phase of the conditional use permit. If the Avenida Magnifica access is approved, the currently allowed access connection to Pomerado Road permitted under the existing use permit shall be deleted, both for uses on the Chabad site, and for all other uses and parcels under the use permit. Please consider that the Planning Group's discussion expressed concern to the Chabad representatives for finding an acceptable alternative access route from Avenida Magnifica, rather than establishing another (signalized) intersection on Pomerado Road.

3. . . . The City Planning Commission's site plan review of the Chabad project shall require a traffic study, to determine traffic impacts of the project together with traffic impacts of buildout of all other uses under the conditional use permit. Combined traffic impacts shall not be allowed to exceed traffic impacts that would otherwise result if the Chabad project is not developed, and the use permit as currently approved is built out.

Development and operation of uses by Chabad or any successors should be subject to enforcement by the City of provisions and limitations of the existing use permit. The City should memorialize the above in writing as part of any finding of substantial conformance of the Chabad project with the existing use permit. It is understood that, should substantial conformance not be found, the Chabad proposal may be pursued as a formal amendment to the existing use permit.

The Planning Group appreciates the consideration of Chabad in working with the community on this matter, and appreciates the City's consideration of the Planning Group's position. The Group continues to support USIU as a recognized and beneficial element of the community, and subject to resolution of the above, will similarly support Chabad. We ask that the City keep us informed of the status of this matter, and notify us of any related meetings or hearings that the City will hold. Please contact me at 298-7127 if there are any questions on this matter.

Sincerely,



Trish Butler, Chair  
 Scripps Ranch Planning Group

PAB/CBJ/me

cc: Councilwoman Barbara Warden  
 Marc Sorenson, Scripps Ranch Civic Association  
 Rabbi Fradkin, Chabad

000442

(R-95-292)  
Corrected copyRESOLUTION NUMBER R- 284501ADOPTED ON AUG 08 1994

WHEREAS, in March 1967, the Planning Commission approved a conditional use permit (CUP) for United States International University (USIU) to construct a campus on approximately 435 acres in the Scripps Ranch area for a maximum of 6,000 full time equivalent students; and

WHEREAS, USIU thereafter constructed and has operated a university on a portion of the CUP area; and

WHEREAS, an approximately 27-acre portion of the CUP area has gone into separate ownership from USIU and Friends of Chabad-Lubavich San Diego, Inc. (Chabad) has indicated its intent to purchase the approximately 27-acre parcel and develop and operate a kindergarten through twelfth grade private school and a rabbinical seminary; and

WHEREAS, Chabad has indicated that it plans to develop buildings on the property in substantially the same manner as was approved for the USIU facilities on the approximately 27-acre parcel; and

WHEREAS, the USIU facilities approved for the parcel included a law school and other university educational facilities; and

WHEREAS, Chabad and USIU intend to record an agreement as to the allocation of students between the 27-acre parcel portion of the CUP and the balance of the acreage; and

000443

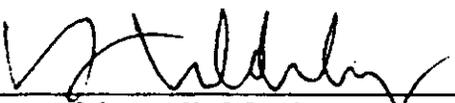
WHEREAS, Chabad approached City staff and the City Manager to seek a determination that its proposed facilities, i.e., a kindergarten through twelfth grade private school plus a "Yeshiva" (rabbinical seminary) accommodating a maximum of 800 full time equivalent students is in substance the same use previously approved under the CUP, therefore negating any need for a new CUP or CUP amendment; and

WHEREAS, the City Attorney supports a determination that the proposed Chabad use is substantively the same as the university use approved under the USIU conditional use permit provided; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that having heard all public testimony relating to the above proposal and having reviewed the City Manager's report, the City Council hereby determines that the use as described in the Manager's report which is proposed by Chabad is in fact substantively the same as the university use approved by the City and that therefore no new conditional use permit or amended conditional use permit will be required for such proposed development and use.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
08/05/94 COR.COPY  
Or.Dept:Mgr.  
R-95-292  
Form=r-t



SOLOMON WARD SEIDENWURM &amp; SMITH

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

000444

RECEIVED

AUG 5 1994

City Manager

August 4, 1994

HERBERT J. SOLOMON  
 RICHARD L. SEIDENWURM  
 SHIRLEY L. KOVAR  
 LAWRENCE J. KAPLAN  
 NORMAN L. SMITH  
 MURRAY M. BANIKHEAD  
 RICHARD E. MACARTHUR  
 LAURIE J. SCALONE  
 JEFFREY H. SILBERMAN  
 MICHAEL TAFFA  
 KRISTINE P. NESTHUS  
 GERALD L. SOLOMON  
 EDHOF COUNSEL  
 HOWARD A. KIPNIS

ELLEN COKEY BORN  
 MICHAEL E. LYON  
 ROBIN E. PRUITT  
 MARK I. SPALDING  
 MIGUEL A. SMITH  
 FREDERICK S. BERRETTA  
 JEFFREY A. SCHNEIDER  
 RICHARD D. GLUCK  
 LISA R. SINGER  
 CLAUDIA B. BUTLER  
 OF COUNSEL  
 WILLIAM O. WARD, III  
 PETER P. GAMER  
 \*A PROFESSIONAL CORPORATION

Jack McGrory  
 City Manager  
 San Diego, CA

RE: USIU/Chabad C.U.P. Conformance Determination

Dear Mr. McGrory:

In connection with the application for substantial conformance with respect to the above-referenced conditional use permit, Friends of Chabad Lubavitch San Diego, Inc. ("Chabad"), HELP Management Corporation ("HELP") which is the property owner of the USIU parcel, and USIU have agreed that they collectively will not exceed the 6,000 full-time-student limitation and, more specifically, that the proposed 27-acre "Chabad Parcel" will be allocated 800 students with the remaining 5,200 students allocated to the balance of the property subject to the C.U.P.

Sincerely,

Jeffrey A. Schneider  
 SOLOMON, WARD, SEIDENWURM & SMITH

The undersigned, legal counsel to HELP and USIU,  
 acknowledges and agrees to the foregoing.

PETERSON &amp; PRICE

By   
 Lynne L. Heidel

000445

City of San Diego  
Memorandum

DRAFT

DRAFT

DRAFT

DATE: August 9, 1994

TO: Tina Christansen, Director, Development Service  
Department

FROM: Jack McGrory, City Manager

SUBJECT: SUBSTANTIAL CONFORMANCE REVIEW - CHABAD K-12 SCHOOL

Based on the City Council's determination on August 8, 1994 that a K-12 private school (Chabad) is an equivalent use to the university use approved under the Conditional Use Permit (CUP-133 PC) for United States International University, the following considerations will be used in any future finding that construction permit drawings are in substantial conformance to the use and site plan approved for this subject 27-acre parcel.

1. The maximum student population for the K-12 school, operated by the Friend of Chabad Lubavitch San Diego, Inc ("Chabad") will be 800. The 800 student population will be deducted from the maximum 6,000 student population approved through CUP-133 PC.
2. Access to 27-acre Chabad Parcel shall constitute one of the four (4) approved points of access per CUP-133 PC.
3. Applicant shall submit a traffic study, to the satisfaction of the City Engineer, evaluating the feasibility of alternative access from Avenida Magnifica to Chabad's 27-acre parcel. This traffic study shall evaluate the potential impacts of access from Avenida Magnifica as compared to those from Pomerado Road, assuming full utilization of CUP-133 PC. This traffic study will be reviewed by the Planning Commission prior to or concurrent with the Planning Commission's review of the construction drawings for substantial conformance.
4. The Construction Permit Drawings shall be in substantial conformance to the approved phasing plot plans (Phase 18) (see attached), as determined by the Planning Commission.

Jack McGrory  
City Manager

TTS:JM:sml

Attachments

cc: File



000447

**City Council Agenda of August 8, 1994**

**Agenda Item #213**

**Friends of Chabad**

**K-12 School on 27 Acres of CUP 133-PC**

**Development Proposal**

000448

TABLE OF CONTENTS

Tab

STRUCTURES, FACILITIES & GRADING  
AUTHORIZED BY CUP 133-PC, BUT NOT  
YET IMPLEMENTED ..... 1

PROPOSED NEW CAMPUS ..... 2

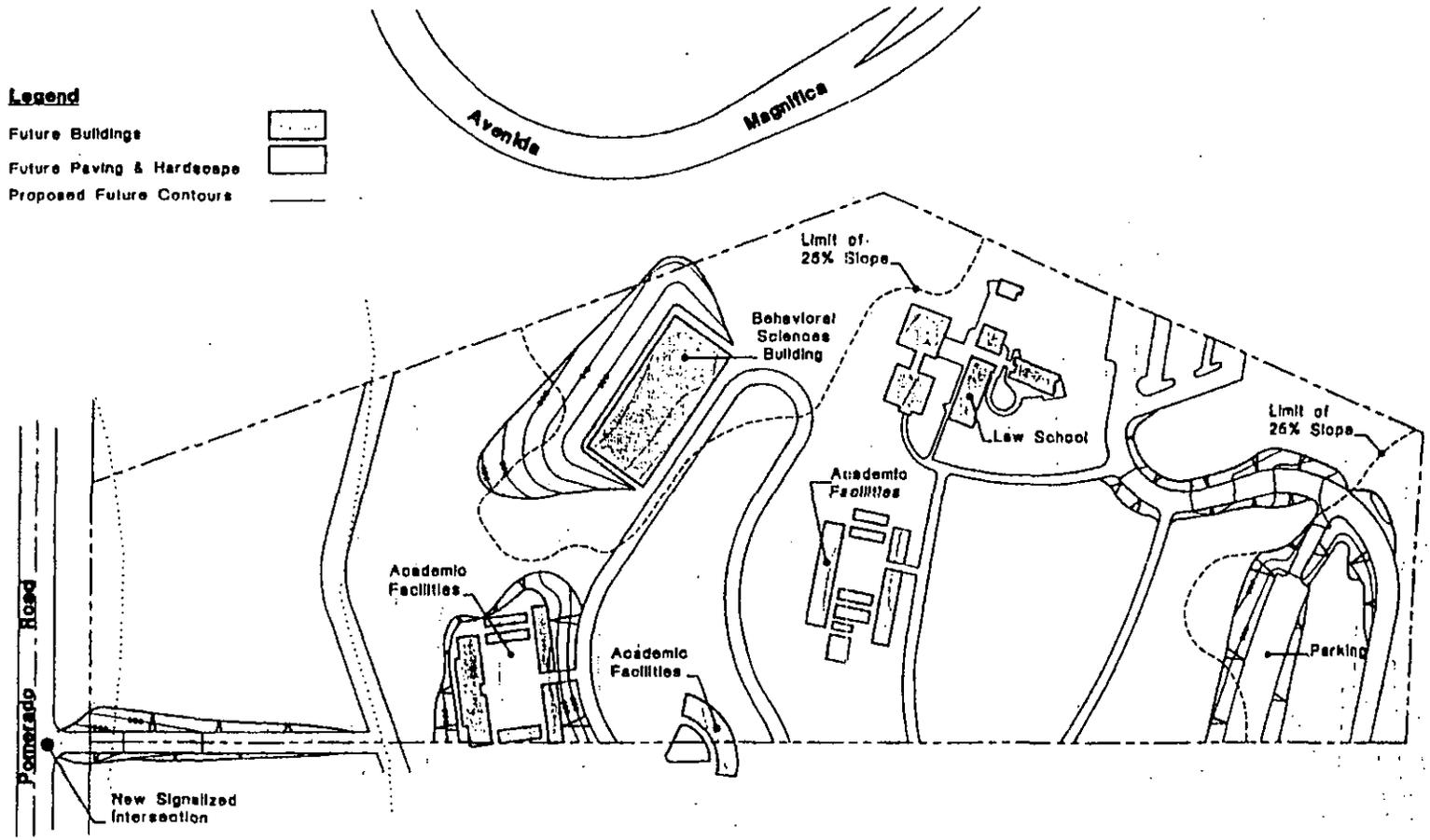
AVENIDA MAGNIFICA ALTERNATIVE ACCESS ..... 3

AERIAL PHOTO ..... 4

TRAFFIC TRIP GENERATION ANALYSIS ..... 5

**Legend**

- Future Buildings 
- Future Paving & Hardscape 
- Proposed Future Contours 



Page 49 of 57

**Roberts Engineering**  
 Engineering, Planning and Subcontractors  
 817 FOURTH AVENUE • SUITE 201  
 SAN DIEGO, CALIFORNIA • 92101  
 TEL: (619) 234-8411 • FAX: (619) 234-8433

Drawing Not To Scale

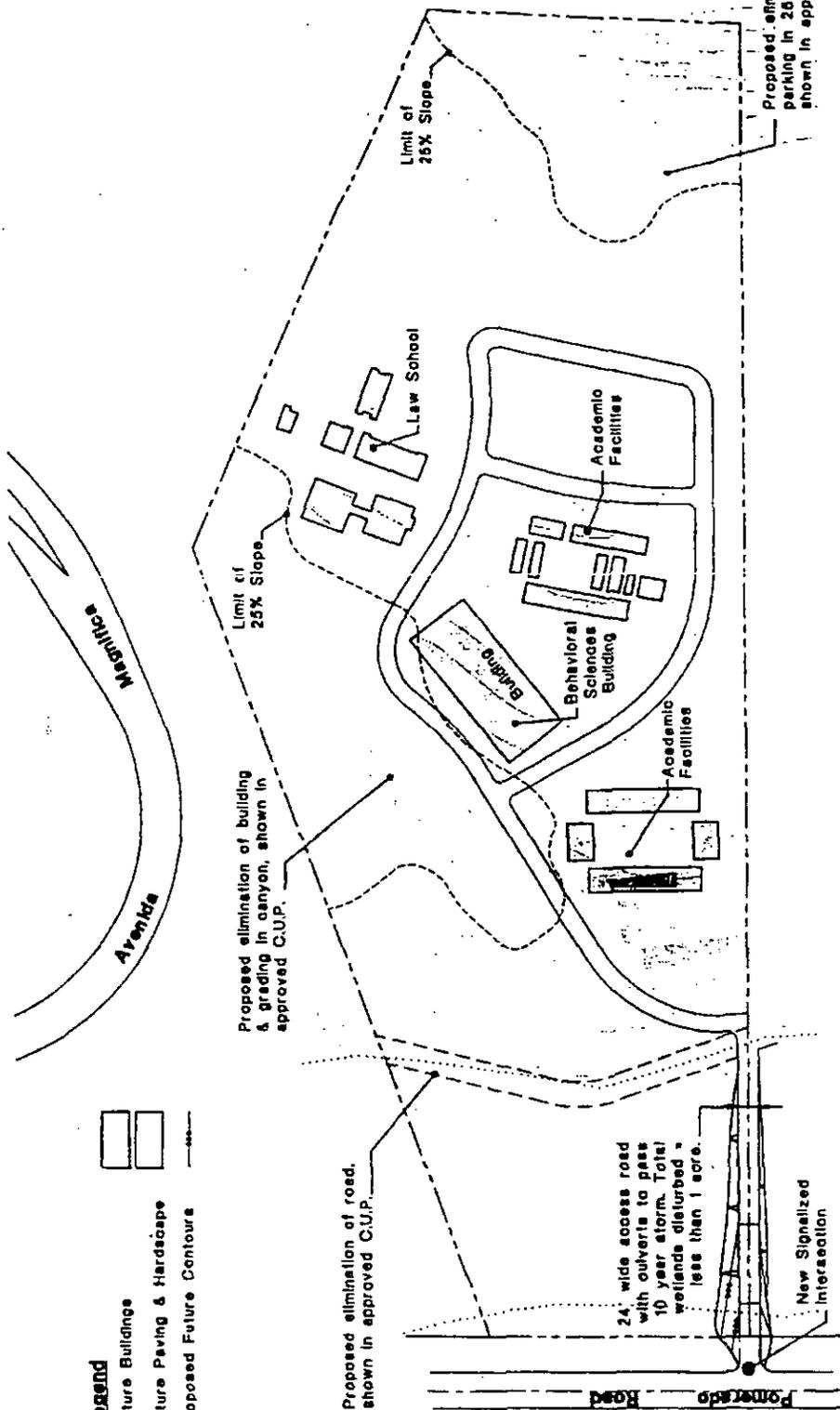


**Friends of Chabad/U.S.I.U.**  
 Structures, Facilities and Grading  
 Authorized by C.U.P. 133-PC but not yet implemented

Project Mgr.: J.M.R.      Drawn By: RDC      Date: 8/5/94      Rev. No. 849528.00

EXHIBIT A

000450



**Legend**

Future Buildings

Future Paving & Hardscape

Proposed Future Contour

EXHIBIT B

**Friends of Chabod U.S.A.U.**  
**Proposed New Campus**

Project Mgr.: J.L.B.    Drawn By: J.S.B.    Date: 9/1/04    Proj. No. 940218.00

Drawing Not To Scale

**EDWIN L. LASER A.I.A.**  
 3078 Mar Avenue  
 La Jolla, Ca. 92037

**Roberts Engineering**  
 317 Fourth Avenue - Suite 201  
 San Diego, CA 92101  
 Tel: 619 594-2233

000451

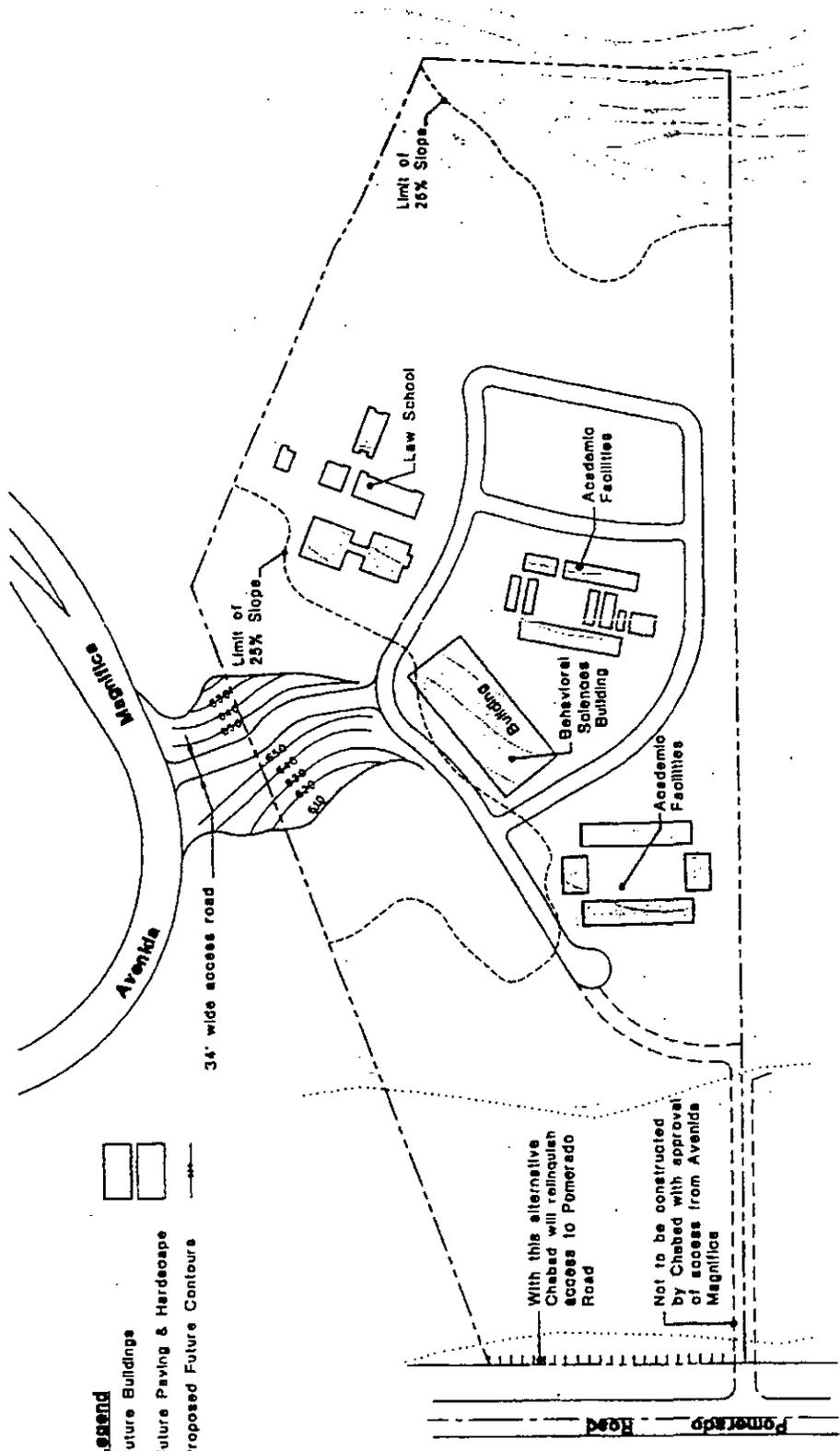


EXHIBIT C

Friends of Chabed/U.S.J.U. Avenida Magnifica Alternative

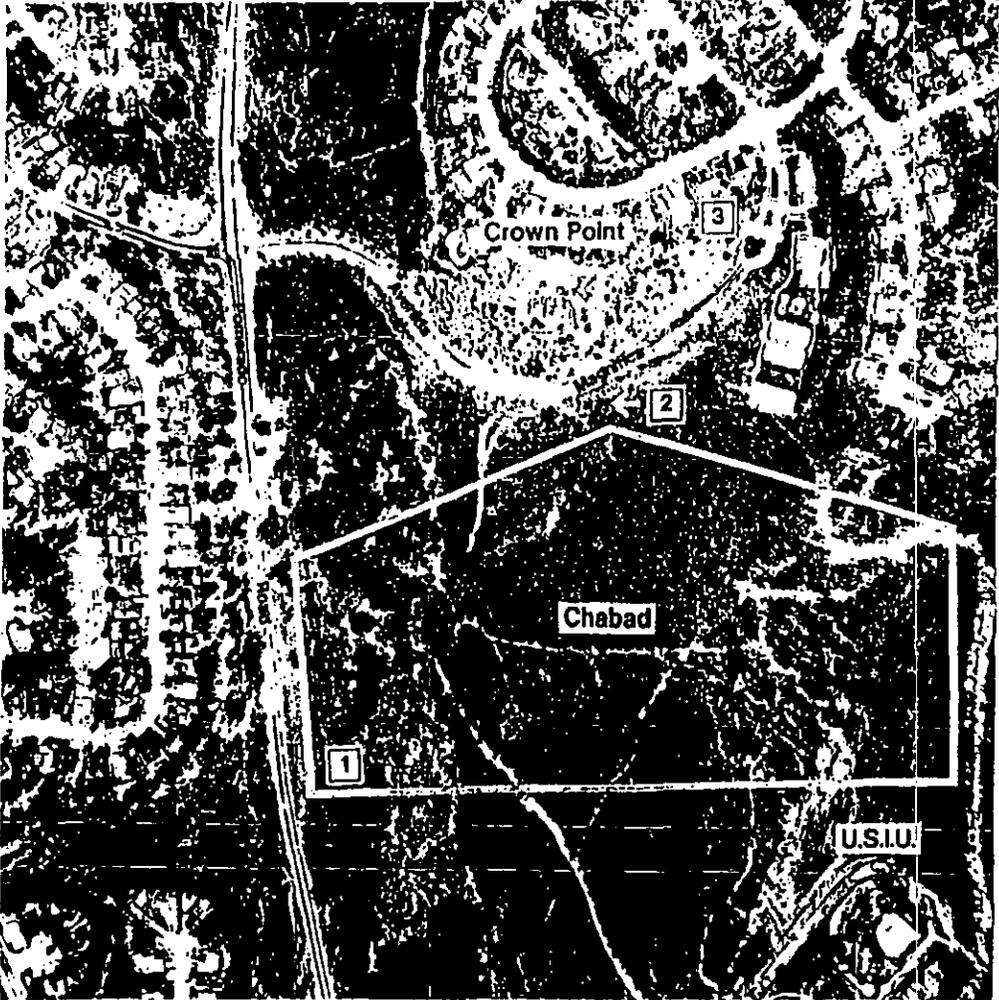
Project Mgr.: J.W.B. | Drawn By: J.B.S. | Date: 8/7/01 | Proj. No. 9-0928.00



Drawing Not To Scale

**Roberts Engineering**  
 Professional Engineers and Surveyors  
 817 FOURTH AVENUE - SUITE 201  
 SAN DIEGO, CALIFORNIA 92101  
 TEL: 619 534-6111 FAX: 619 534-6101

000452



**Legend**

- 1** Access point approval with C.U.P. P.C. 133
- 2** Alternate access proposed off public portion of Avenida Magnifica
- 3** Beginning of private street


**Roberts Engineering**  
 a division of The Hillier Group, Inc.  
 Engineering, Planning, and Environmental Consultants  
 617 FOURTH AVENUE - SUITE 201  
 SAN DIEGO, CALIFORNIA 92101  
 TEL: (619) 234-8411 - FAX: (619) 234-8433

Drawing Not To Scale



**Friends of Chabad/U.S.I.U.**  
**Aerial Photo**

Project Mgr.: J.W.R.      Drawn By: RQC      Date: 8/5/94      Ref. No. 940525 00

EXHIBIT D

000453

## INTERNAL MEMORANDUM

DATE: June 7, 1994  
TO: John Rick  
FROM: David Sorenson  
SUBJECT: USIU / Chabad Trip Generation Analysis

---

This memorandum compares trip generation for the 27 acre site which is being considered for use as a kindergarten through 12<sup>th</sup> grade school. The site is a portion of a 435 acre CUP approved in 1967 for U.S. International University, which allows 6,000 students. The Chabad school is proposed for 600 students, therefore, this analysis will be based on that number of students. The school will take access off of Pomerado Road. This is one of four access points approved in the U.S. International University CUP.

University Trip Generation

Based on a student population of 600 students and a trip rate of 2.5 daily trips per student for universities, approximately 1,500 daily trips would be expected on this 27 acre site.

Proposed School (K-12) Trip Generation

The proposed school would serve 600 students in grades K through 12. Trip generation for schools vary from 1.0 to 1.4 daily trips per student depending on the type of school (elementary, middle, or high school). These trip generation rates are based on observations at several school sites and reflect a wide range of factors which affect trip making activity. For instance, some schools surveyed may rely heavily on busing students, others may have a large amount of walking trips, while others may have a high amount of parent drop-off activity. Based these average rates and on a uniform distribution of students in grades K through 12, the proposed school would generate approximately 785 daily trips, as shown on Table 1.

The Chabad school plans to bus up to 70% of its students to the site, which could further reduce the amount of traffic generated by the school. To account for transit usage higher than that for an average school, a more detailed multi-modal trip generation estimate was developed. This estimate, along with key assumptions are shown in Table 2. Additionally, peak hour and directional distributions of traffic are also shown in Table 2. This analysis reveals that with an aggressive busing plan, daily trip generation would be reduced by approximately 25% from estimates using standard trip generation rates for schools. This analysis reveals that peak hour traffic have very little impact on afternoon peak hour traffic, as only the faculty would be exiting at this time.

000454

Comparison of uses

A comparison of trip generation for the two educational uses is shown in the attached table. The proposed K-12 Chabad school (using standard trip generation rates) would generate approximately 715 fewer trips than would be expected with a university use. Assuming an aggressive busing program, a further reduction of 85 vehicles per day would be expected.

DKS

Attachments

<b>TABLE 1 COMPARISON OF TRIP GENERATION UNIVERSITY VS. K-12 SCHOOL</b>			
LAND USE	INTENSITY	TRIP RATE <sup>1</sup>	DAILY TRIPS
University	600 students	2.5 trips/student	1,500
<u>Proposed school</u>			
Elementary school (K-5)	277 students	1.4 trips/student	388
Middle school (6-8)	138 students	1.0 trips/student	138
High school (9-12)	185 students	1.4 trips/student	259
Site total	600 students		785 <sup>2</sup>
DIFFERENCE BETWEEN APPROVED AND PROPOSED USES =			-715

- <sup>1</sup> Trip generation rates are from the San Diego Traffic Generators report, San Diego Association of Governments, October, 1993.
- <sup>2</sup> The proposed school will bus up to 70% of the students each day. This is a higher percentage than most schools. Therefore, it is likely that the Chabad school will generate fewer trips than the 785 daily trips stated in this table.

**TABLE 2  
USIU/CHABAD SCHOOL TRIP GENERATION ESTIMATE  
(Assumes 70% of student are bused to the site)**

Type of Trip	7 - 8 AM		3 - 4 PM		4 - 5 PM		TOTAL DAILY TRIPS
	IN	OUT	IN	OUT	IN	OUT	
Faculty	40					40	80
Parent drops off student	96	96	96	96			384
Buses	14			14	14		42
Student drivers & passengers	46			46			92
<b>TOTAL</b>	<b>196</b>	<b>96</b>	<b>96</b>	<b>156</b>	<b>14</b>	<b>40</b>	<b>598</b>

Assumptions

1. Student to faculty ratio is assumed to be 15:1.
2. Faculty were assumed to arrive between 7 and 8 AM and leave between 4 and 5 PM.
3. 70% of student would ride bus (420 of the 600 total students). Fourteen buses will be needed, assuming each bus holds 30 students.
4. It was assumed that 46 students would drive to school, with each bringing one additional student, on average. These students would arrive between 7 and 8 AM and leave between 3 and 4 PM.
5. The remaining students would be dropped off by parents. It is assumed that there would be an average of two students per vehicle.

000457

### Friends of Chabad Parking Requirements

#### Assumptions:

1. 800 students permitted - no breakdown by grade
2. Student to faculty ratio of 15:1.
3. 10 percent (80 students) would drive.
4. 70 percent (560 students) would be bused
5. 20 percent (160 students) would be dropped off

#### Faculty/Staff parking

53 faculty @ 1 space for each 1.25 faculty = 42

15 K-8 classrooms @ 1.5 spaces per classroom = 23

#### Student parking

80 students @ 1 space per student = 80

Total 145

#### Recommended Required

Parking 150